

Section 4-500

PD-IP Planned Development - Industrial Park.

4-501

Purpose. The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

4-502

Size and Location. PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-503

Permitted Uses. The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.

- (A) Adult day care center.
- (B) Agriculture, horticulture, forestry, or fishery.
- (C) Commuter parking lot.
- (D) Distribution facility.
- (E) Facility for scheduled lessons such as: ~~in~~ dance, gymnastics, judo and sports training.
- (F) Flex industrial use, pursuant to Section 5-608.
- (G) Office, administrative, business and professional, (i.e. office uses) provided:
 - (1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and
 - (2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and
 - (3) Office uses shall be the prominent features when viewed from adjacent roadways; and

1 (4) Other permitted uses may be co-located with office uses,
2 provided such uses do not have frontage or direct access to
3 an arterial or major collector road and will not exceed forty
4 (40) percent of the gross floor area of the total land area of
5 the industrial site or park; and

6 (5) Parking may be located in the side and rear yards and in no
7 case shall parking be located between the building and the
8 arterial or major collector road; and

9 (6) Buildings which contain office uses shall contain two
10 stories or more.

11 ~~(G)~~(H) Manufacture, processing, fabrication and/or assembly of products
12 such as, but not limited to: scientific and precision instruments,
13 photographic equipment, communication, computation equipment,
14 drugs, medicines, pharmaceutical, household appliances, toys,
15 sporting and athletic goods, die-cut paperboard and cardboard,
16 glass products made of purchases glass, electric lighting and wiring
17 equipment, service industry machines, lithographic and printing
18 processes, industrial controls, radio and TV receiving sets, watches
19 and clocks, bags and containers, sanitary paper products, optical
20 goods, electrical machinery.

21 ~~(H)~~(I) Post office, ~~drop-off and pick-up~~.

22 ~~(I)~~(J) Radio and television recording studio.

23 ~~(J)~~(K) Recycling drop off collection center, small, pursuant to Section
24 5-607.

25 ~~(K)~~(L) Research, experimental testing, or development activities.

26 ~~(L)~~(M) Wholesale trade establishment.

27 ~~(M)~~(N) Uses which are supportive and complementary to (which serve the
28 users of) existing permitted and principal uses within a specific
29 industrial park, such as, but not limited to restaurants excluding
30 drive-throughs, business service establishments, personal service
31 establishments, health and fitness centers, and automobile service
32 stations, not to exceed a total of five percent (5%) of the total
33 allowable floor area of the industrial park shown on a concept
34 development plan.

35 ~~(N)~~(O) Bakery, commercial.

- 1 ~~(O)(P)~~ Bank or financial institution, pursuant to Section 5-659.
- 2 ~~(P)(Q)~~ Dwelling, accessory to a permitted or special exception use.
- 3 ~~(Q)(R)~~ Printing service.
- 4 ~~(R)(S)~~ Warehousing facility, pursuant to Section 4-507 (E).
- 5 ~~(S)(T)~~ Auction house.
- 6 ~~(T)(U)~~ Business service establishment.
- 7 ~~(U)(V)~~ Health and fitness center.
- 8 ~~(V)(W)~~ Park.
- 9 ~~(W)(X)~~ Postal service, including overnight courier collection and overnight
10 mail distribution facility.
- 11 ~~(X)(Y)~~ Restaurant, carry-out only.
- 12 ~~(Y)(Z)~~ Water pumping station.
- 13 ~~(Z)(AA)~~ Utility substation, dedicated.
- 14 ~~(AA)(BB)~~ Conference or training center.
- 15 ~~(BB)(CC)~~ Sewer pumping station.
- 16 ~~(CC)(DD)~~ Utility substation, distribution, pursuant to Section 5-616.
- 17 ~~(DD)(EE)~~ Church, synagogue, ~~and~~ temple or mosque.
- 18 ~~(EE)(FF)~~ Motor vehicle service and repair, light.
- 19 ~~(FF)(GG)~~ Telecommunications antenna, pursuant to Section 5-
20 618(A).
- 21 ~~(GG)(HH)~~ Telecommunications monopole, pursuant to Section 5-
22 618(B)(1).
- 23 ~~(HH)(II)~~ Funeral home, pursuant to Section 5-658.
- 24 ~~(JJ)~~ Training Facility.
- 25 ~~(KK)~~ Interactive Science & Technology Center

(LL) Outdoor Storage, Accessory up to 10% of gross floor area of principal use.

(MM) Contractor service establishment, excluding retail sales and outdoor storage.

(NN) Recreation establishment, outdoor or indoor, provided:

(1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and

(2) Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.

4-504

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

(A) Office, administrative, business and professional, ~~provided: which do not meet the criteria contained in Section 4-503(G).~~

~~(1) The specific site and size of each building or part thereof to be so used is identified as such on an approved development plan, and~~

~~(2) The plan for development demonstrates a coordinated relationship between planned industrial uses and the offices under consideration.~~

(B) Civic, social, fraternal association meeting place.

(C) Educational institution.

(D) Golf driving range.

(E) Heliport, helistop.

(F) Hospital, pursuant to Section 5-610.

(G) Hotel/Motel, pursuant to Section 5-611.

(H) Public utility service center with or without storage yard.

- 1 (I) Sewage treatment plant.
- 2 (J) Uses which are supportive and complementary to (which serve the
- 3 users of) existing permitted and principal uses within a specific
- 4 industrial park, such as, but not limited to restaurants, excluding
- 5 drive-throughs, business service establishments, personal service
- 6 establishments, health and fitness centers and automobile service
- 7 stations; but not to include such uses as car repair except in
- 8 conjunction with an automobile service station; in excess of five
- 9 (5%) percent but not to exceed a total of 25% of the total allowable
- 10 floor area of the industrial park shown on a concept development
- 11 plan.
- 12 (K) Utility substation, transmission, pursuant to Section 5-616.
- 13 (L) Utility transmission lines, overhead.
- 14 (M) Water treatment plant.
- 15 (N) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- 16 (O) Medical care facility, outpatient only.
- 17 (P) Motor vehicle service and repair, heavy.
- 18 (Q) Printing service plant.
- 19 (R) Child care center, pursuant to Section 5-609(B).
- 20 ~~(S) Contractor service establishment, excluding retail sales and outdoor~~
- 21 ~~storage.~~
- 22 ~~(T)(S)~~ Fire and/or rescue station.
- 23 ~~(U)(T)~~ Dry cleaning plant.
- 24 ~~(V)(U)~~ Automotive service station.
- 25 ~~(W)(V)~~ Car wash.
- 26 ~~(X)(W)~~ Golf course.
- 27 ~~(Y)(X)~~ Motor vehicle rental, with outdoor vehicle storage only.
- 28 ~~(Z)(Y)~~ Personal service establishment

~~(AA)(Z)~~ Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section 4-503(NN).

~~(BB)(AA)~~ Recycling drop-off collection center, large, pursuant to Section 5-607.

~~(CC)(BB)~~ Mass transit facilities and stations.

~~(DD)(CC)~~ Water storage tank.

~~(EE)(DD)~~ Firearm range, archery range, indoor.

~~(FF)~~ School, private, accessory to a church.

~~(GG)(EE)~~ Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

~~(HH)(FF)~~ Storage, outdoor accessory in excess of 10% of gross floor area of principal use.

~~(H)(GG)~~ Parking Lot/Valet Service, Long-Term.

~~(JJ)(HH)~~ Car wash, accessory to a convenience food store, pursuant to Section 5-617.

~~(KK)(II)~~ School, public and private.

~~(LL)(JJ)~~ Telecommunications tower, pursuant to Section 5-618(C)(2).

~~(MM)(KK)~~ Police station.

~~(LL)~~ Motorcycle or ATV sales, rental, repair and associated service.

~~(MM)~~ Animal hospital.

~~(NN)~~ Camp, day.

4-505

Lot Requirements.

(A) **Size:** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, No building, outdoor storage, areas for collection of refuse, or loading area shall be

permitted closer than ~~one hundred (100) feet to the right of way of any arterial road, seventy five (75) feet to the right of way of a major collector, and~~ thirty five (35) feet to the right-of-way from any ~~other road~~ and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road, except as provided in Section 4-505(C). No ~~parking~~, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks. ~~areas between buildings and streets where such uses are visible from any road.~~

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than sixty (60) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.

(3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30)

feet, ~~unless a greater is required by Section 5-1414(A), Buffer Yard and Screening Matrix.~~

Driveways, parking, and covered entrances may be within such yards, ~~however, no such facility may be closer than five (5) feet to lot lines.~~ Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-506 Building Requirements.

(A) **Lot Coverage.** .45 maximum.

(B) **Building Height.** ~~Forty-five (45)~~~~Thirty-five (35)~~ feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than ~~one (1) foot~~~~two (2) feet~~ for each one (1) foot of height that it exceeds the ~~45~~~~35~~-foot limit.

(C) **Floor Area Ratio.** .40 maximum, up to .60 by Special Exception.

4-507 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

1 (B) **Landscaped Open Space.** Landscaped open space on any
2 individual lot shall not be less than .20 times the buildable area of
3 the lot.

4 (C) **Screening and Buffering.** Landscaping, buffering, and screening
5 shall be used to screen outdoor storage, areas for collection of
6 refuse, loading area, and parking from streets and agricultural and
7 residential uses.

8 (D) ~~Aceessory~~ **Outdoor Storage, Accessory.**

9 (1) No storage of any kind shall be permitted within any front
10 yard, except for underground bulk storage of gasoline or
11 petroleum products.

12 (2) Underground bulk storage of gasoline or petroleum
13 products shall not be permitted, except for automobile
14 service stations or as incidental to manufacturing and
15 research and development operations or the servicing of
16 company owned or lease vehicles within enclosed areas
17 defined in (3) below.

18 (3) Outdoor storage of new and reusable materials, equipment,
19 and vehicles shall be permitted within enclosed areas which
20 are composed of mixed wood, masonry walls, plantings, or
21 other suitable barriers approved by the Zoning
22 Administrator. Such areas must be buffered and screened
23 on the periphery of the storage area.

24 (4) Waste materials must be stored in a closed container. The
25 burning of waste materials is prohibited.

26 (E) **Retails Sales as an accessory use.** Warehousing facilities may
27 have retail sales as an accessory use in accordance with the
28 following:

29 (1) Such warehousing facility stores goods for at least one
30 retail establishment located in a zoning district where retail
31 is a permitted principal use.

32 (2) At least eighty (80) percent of the gross floor area of the
33 facility is devoted to warehousing facility use that is not a
34 display area or retail sales area and is not accessible to the
35 public.

(1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this

Ordinance. ~~Access. No individual lots or housing unit created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~

Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

(2) Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall be ~~avoided~~ prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

(3) Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property.

(H) **Utility Requirements.** All utility distribution lines located on PD-IP ~~designated~~ zoned land shall be placed underground.

(I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.

(J) **On-Site Parking of Business Vehicles.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

- (CC) Sewer pumping station.
- (DD) Storage, building material or contractors equipment, coal, lumber.
- (EE) Utility substation, distribution, pursuant to Section 5-616.
- (FF) Storage, outdoor accessory.
- (GG) Utility substation, dedicated.
- (HH) Moving and storage company.
- (II) Telecommunications antenna, pursuant to Section 5-618(A).
- (JJ) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (KK) Telecommunications tower, pursuant to Section 5-618(C)(1).
- (LL) Vehicle wholesale auction, pursuant to Section 5-624.
- (MM) Motor vehicle sales limited to racecars.

(NN) Training Facility.

4-604

Special Exception Uses. The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Asphalt mixing plant, pursuant to 4-607 (H).
- (B) Auction facility, livestock, pursuant to 4-607 (H).
- (C) Automobile graveyard, junk yard, pursuant to 4-607 (H).
- (D) Borrow pit for road construction, pursuant to 4-607 (H).
- (E) Storage, bulk gasoline, petroleum products, and natural gas, pursuant to 4-607 (H).
- (F) Church, synagogue, ~~and~~ temple, and mosque.
- (G) Civic, social, fraternal association meeting place.
- (H) Concrete mixing plant, pursuant to 4-607 (H).
- (I) Utility generating plant and transmission facility, pursuant to 4-607 (H).

- 1 (J) Storage, mini-warehouse.
- 2 (K) Firearm range, indoor.
- 3 (L) Sewage treatment plant, pursuant to 4-607 (H).
- 4 (M) Solid waste incinerator, landfill or transfer station, pursuant to 4-
5 607 (H).
- 6 (N) Uses auxiliary to permitted principal uses, such as, but not limited
7 to restaurants, including carry-out but excluding drive-through
8 facilities, personal care services, banks and financial institutions,
9 and automobile service stations, not to exceed a total of twenty
10 percent (20%) of the total developed floor area of the zoning
11 district.
- 12 (O) Water treatment plant, pursuant to 4-607(H).
- 13 (P) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- 14 (Q) Utility transmission lines, overhead.
- 15 (R) Outdoor sales area, accessory.
- 16 (S) Sawmill, ~~wood processing facility~~, pursuant to 4-607 (H).
- 17 (T) Vegetative waste management facility~~Stump processing plant~~,
18 pursuant to 4-607 (H).
- 19 (U) Veterinary service.
- 20 (V) Animal hospital.
- 21 (W) Utility substation, transmission, pursuant to Section 5-616.
- 22 (X) Bus terminal.
- 23 (Y) Fire and/or rescue station.
- 24 (Z) Kennel, pursuant to Section 4-607(H).
- 25 (AA) Material recovery facility, pursuant to 5-607 (~~ED~~), and Section 4-
26 607(H).
- 27 (BB) Recycling drop off collection center, large, pursuant to Section 5-
28 607, and Section 4-607(H).

- 1 (CC) Personal service establishment.
- 2 (DD) Motor vehicle rental, with outdoor vehicle storage only.
- 3 (EE) Mass transit facilities and stations, pursuant to Section 4-607(H).
- 4 (FF) Golf course.
- 5 (GG) Automobile service station.
- 6 (HH) Printing service plant.
- 7 (II) Water storage tank.
- 8 (JJ) Health and fitness center.
- 9 (KK) Crematorium.
- 10 (LL) School, private, accessory to a church.
- 11 (MM) Gas pumps accessory to a convenience food store, pursuant to
- 12 Section 5-617.
- 13 (NN) Car wash, accessory to a convenience food store, pursuant to
- 14 Section 5-617.
- 15 (OO) Parking Lot/Valet Service, Long-Term.
- 16 (PP) Telecommunications tower, pursuant to Section 5-618(C)(2).
- 17 (QQ) Police station.
- 18 (RR) ~~Storage, outdoor, of major recreational equipment~~ Outdoor Storage,
- 19 Vehicles.
- 20 (SS) School, public, pursuant to 4-607(H).
- 21 (TT) Storage of empty solid waste vehicles and containers.
- 22 (UU) Motorcycle or ATV sales, rental, repair and associated service.
- 23 **4-605 Lot Requirements.**
- 24 (A) **Size.** One (1) acre minimum.
- 25 (B) **Yards.**

- (1) **Adjacent to roads.** ~~Except where a greater setback is required by Section 5-900, No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial road, seventy five (75) feet to the right-of-way of any major collector road, and thirty five (35) feet to any other road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road.~~ No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks. ~~areas between buildings and streets where such uses are visible from any road.~~
- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where vehicles in such uses are visible from the said agricultural and residential areas. When a PD-GI lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-GI, the setback required in (B)(3) below shall apply.
- (3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.
- (4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet, unless a greater yard is required by Section 5-1414(A), Buffer Yard and Screening Matrix. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-606 Building Requirements.

- (A) **Lot Coverage.** .45 maximum.
- (B) **Building Height.** ~~Forty five (45)~~~~Thirty five (35)~~ feet maximum, provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot ~~two (2) feet~~ for each one (1) foot of height that it exceeds the forty five (45)~~35~~-foot limit.
- (C) **Floor Area Ratio.** .40 maximum.

4-607 Use Limitations.

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and

clearly incidental and subordinate to the permitted principal use and structures.

(B) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall be used to enhance the appearance of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.

(D) **Outdoor Storage.**

(1) No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.

(2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or leased vehicles within enclosed areas defined in (3) below.

(3) Outdoor storage of waste materials, equipment, supplies and vehicles shall be buffered and screened on the periphery of the storage area.

(4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

(5) Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

(E) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.

(F) **Development Setback and Access from Major Roads.** In designing a general industrial development, the following requirements shall be observed:

(1) ~~Acess.~~ **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance. ~~No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~ Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

(2) Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall be ~~avoided~~ prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. ~~Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.~~

(G) **Utility Requirements.** All utility distribution lines located on PD-GI designated land shall be placed underground.

(H) **Development Setbacks for Certain Special Exception Uses.** Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property. All other uses identified in Section 4-604 as being subject to Section 4-607 (H) shall setback all buildings 200 feet from any adjacent residentially zoned property.

(I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.

(J) **Motor vehicle service and repair, heavy, with accessory motor vehicle sales.** Limited motor vehicle sales shall be permitted only as an accessory use pursuant to the following conditions:

(1) The accessory vehicle sales must be on the same lot and within the same building as the principal use of Motor Vehicle Service and Repair.

(2) No outside display of vehicles is permitted within front yards, setbacks or parking areas.

- 1 (N) Country club.
- 2 (O) Educational institution.
- 3 (P) Fire and/or rescue station.
- 4 (Q) Golf course.
- 5 (R) Health and fitness center.
- 6 (S) Hotel/~~Motel~~, pursuant to Section 5-611.
- 7 (T) Library.
- 8 (U) Mass transit facilities and stations.
- 9 (V) ~~Motel~~.
- 10 (W) Park.
- 11 (X) Personal service establishment.
- 12 (Y) Recreation establishment, outdoor.
- 13 (Z) Farm supplies.
- 14 (AA) Restaurant, dinner theatre.
- 15 (BB) Telecommunications antenna, pursuant to Section 5-618(A).
- 16 (CC) Sewer pumping station.
- 17 (DD) Utility substation, distribution, pursuant to Section 5-616.
- 18 (EE) Water pumping station.
- 19 (FF) Utility substation, dedicated.
- 20 (GG) Convention or exhibition facility.
- 21 (HH) Recreation Establishment, Indoor.
- 22 (II) Golf Driving Range.
- 23 (JJ) Recreation Vehicle Park.
- 24 (KK) Campground.

- (1) **Adjacent to roads.** ~~Except where a greater setback is required by Section 5-900, No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. one hundred (100) feet to the right of way of any road.~~ No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks, areas between buildings and streets where such uses are visible from any road.
- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.
- (3) **Adjacent to Other Nonresidential Districts.** Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.
- (4) **Yards Between Buildings.**
- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be 25 feet. Driveways, parking, and covered entrances may be within such yards, however, no such facility may be closer than five (5) feet to lot lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one (1) building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least

25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-706 Building Requirements.

(A) **Floor Area Ratio** .40 maximum on any lot.

(B) **Building Height.** Forty five (45) feet maximum, however a special exception for an increase above the maximum building height regulations may be granted provided that the increase in height must not be detrimental to the existing and planned character of adjacent lands.

4-707 Use Limitations.

(A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses.

(D) **Access from Major Roads.** In designing special activity development, the ~~following~~ requirements of Section 5-900 shall be observed.÷

~~(1) Setback. No building shall be located any closer than 100 feet from the right of way of any arterial road and 75 feet from the right of way of a major collector, and thirty five (35) feet from any private access easement and prescriptive easement.~~

1
2 ~~(2) Access. No individual lots created after adoption of this~~
 ~~Ordinance shall have direct access to an arterial road.~~

3 ~~(3)(1)~~ Primary access ~~and through vehicular traffic impacting~~
4 ~~residential neighborhoods~~ shall ~~not be permitted~~ prohibited
5 on residential neighborhood streets. This prohibition does
6 not apply to collector roads through residential
7 neighborhoods.

8 (E) **Utility Requirements.** All utility distribution lines located on
9 PD-SA zoned ~~designated~~ land shall be placed underground.

(A) The following uses are permitted within the Town Center Core:

- (1) Art gallery.
- (2) Theater, indoor.
- (3) Bank or financial institution, pursuant to Section 5-659.
- (4) Business service establishment.
- (5) Child care center, pursuant to Section 5-609 (B).
- (6) Community center.
- (7) Conference or training center.
- (8) Congregate housing facility.
- (9) Restaurant, dinner theater.
- (10) Dwellings above first floor of permitted commercial uses.
- (11) Educational institution.
- (12) Facility for dance, gymnastics, judo and sports training.
- (13) Health and fitness center.
- (14) Hotel/Motel, pursuant to Section 5-611.
- (15) Library.
- (16) Office, medical and dental.
- (17) Dwelling, multi-family.
- (18) Commuter parking lot.
- (19) Performance arts center.
- (20) Personal service establishment.
- (21) Post office, drop off and pick up.
- (22) Park.
- (23) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).

- 1 (24) Restaurant.
- 2 (25) Retail sales establishment.
- 3 (26) Recreational establishment, outdoor or indoor.
- 4 (27) Convenience food store, without gas pumps, pursuant to
- 5 Section 5-617.
- 6 (28) Radio and television recording studio.
- 7 (29) Pharmacy, pursuant to Section 5-659.
- 8 (30) Printing service.
- 9 (31) Adult day care center.
- 10 (32) Agriculture, horticulture, forestry, or fishery.
- 11 (33) Dwelling, single-family attached.
- 12 (34) Food store.
- 13 (35) Off-street parking facility, freestanding.
- 14 (36) Public utility service center, without outdoor storage.
- 15 (37) Restaurant, carry-out only.
- 16 (38) Restaurant, with drive through facilities.
- 17 (39) Studio space - artist, crafts person, writer.
- 18 (40) Office, administrative, business, and professional.
- 19 (41) Museum, cultural center, arboretum.
- 20 (42) Water pumping station.
- 21 (43) Utility substation, dedicated.
- 22 (44) Sewer pumping station.
- 23 (45) Church, synagogue, and temple.
- 24 (46) Telecommunications antenna, pursuant to Section 5-
- 25 618(A).

- (1) **Front.** No minimum; 25 ft. maximum.
- (2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.
- (3) **Rear.** No requirement, except 30 feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.

(E) **Yards, within the Town Center Fringe.**

- (1) **Front.** Ten (10) feet minimum; no maximum.
- (2) **Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.
- (3) **Rear.** No requirement, except thirty (30) feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.

(F) **Other yard requirements.**

- (1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, No building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. ~~one hundred (100) feet to the right-of-way of any arterial or major collector road. No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than thirty five (35) feet to the right-of-way for any road.~~ No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks. ~~areas between buildings and streets where such uses are visible from any road.~~
- (2) **Adjacent to Agricultural Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district. No parking shall be permitted closer than fifty (50) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts where such uses are visible from the said agricultural areas.

- (M) Off-street parking facilities shall have access from alleys or from streets at locations which do not conflict with pedestrian circulation in the Core.
- (N) All above grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.
- (O) All utility distribution lines located on PD-TC designated land shall be placed underground.
- (P) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and agricultural and residential uses. Outdoor storage of waste materials and any other type of equipment and supplies shall be buffered and screened on the periphery of the storage area.
- (Q) **Access from Major Roads.** The ~~following~~ requirements of Section 5-900 shall be observed.÷
- ~~(1) Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots in the Town Center Fringe area shall not have direct access to major collector roads.~~
- ~~(2)(1) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~
- (R) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

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use may be subject to such additional standards in another zoning district of the Ordinance.

TABLE 4-907 PD-CV (COUNTRYSIDE VILLAGE) DISTRICT USE TABLE					
P = PERMITTED S = SPECIAL EXCEPTION M = MINOR SPECIAL EXCEPTION BLANK = NOT ALLOWED					
USE CATEGORY	USE TYPE	PD-CV: VILLAGE NEIGHBORHOOD	PD-CV: VILLAGE CORE	PD-CV: VILLAGE CONSERVANCY AND VILLAGE SATELLITE CONSERVANCY	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES					
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P		P	Section 5-613, except accessory dwelling units are allowed on residential lots smaller than 20,000 square feet located in the Village Neighborhood
	Caretaker's residence (accessory to single family detached dwelling)	P		P	
	Dwelling, single-family detached, including manufactured housing	P		P	Manufactured housing subject to Section 5-620.
	Dwelling, single-family attached	P	P		In the Village Core, permitted only above street level with ground floor retail or office
	Dwelling, Multi- family	P	P		In the Village Core, permitted only above street level with ground floor retail or office
	Portable Dwelling/ Construction Trailer	P	P	P	
	Construction and/or Sales Trailer	P	P	P	
	Guest house (accessory to single family detached dwelling)	P		P	Section 5-612
Group Living	Congregate housing facility	S	S		
	Continuing care facility	S	S		
	Monastery or Convent	S	S		

- (1) All properties served by a private street shall be subject to a recorded covenant expressly requiring private maintenance of such street in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such street.
 - (2) The record plat and protective covenants for a Countryside Village shall expressly state that the County and VDOT have no responsibility for the maintenance, repair, or replacement of private streets.
 - (3) Sales brochures, or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such streets, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.
- (G) Lots in the Village Conservancy may be served by private access easements designed and constructed to standards in the Facilities Standards Manual.

TABLE 4-912: TRANSITION TRANSPORTATION ROUTE & CORRIDOR NETWORK	
The following road maintained through State Primary Funds: <i>Tri-County Parkway</i>	
The following roads and corridors maintained/planned to be maintained through State Secondary Funds: <i>620/705 (Braddock Road), 659 Relocated, and Gum Springs Road (659)</i>	

- 4-913 Access from Major Roads.** Unless otherwise specified in this section, the standards of Section 5-900 shall apply. ~~no individual lot created within a PD-CV district shall have direct access to an arterial or major collector road.~~
- 4-914 Signs.** The requirements of Section 5-1200 shall be followed for PD-CV development. Residential signs within the PD-CV district shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).
- 4-915 Lighting.** Street lighting shall be provided along all streets and shall meet the minimum standards required in the FSM (Facility Standards Manual).
- 4-916 Utility Requirements.**
- (A) Countryside Villages shall be served by central water and sewer systems, except for Conservancy Areas and Satellite Conservancy Areas, which may be served either by individual well and septic or central water and sewer systems.

- (A) **Location.** The district shall be mapped only in locations that meet the following criteria:
- (1) The district shall be located entirely on the north side of the eastbound lanes of the Dulles Greenway north of the Washington/Dulles Airport property.
 - (2) A transit stop shall be planned to be an integral feature of the district at a location determined by the Washington Metro Area Transit Authority (WMATA). The district shall be located no further than ½-mile from the transit stop.
 - (3) The district location and proposed arrangement of land uses will provide opportunities to safely and conveniently connect district land uses with the transit stop.
- (B) **Minimum District Size.** The initial application to this district shall be a minimum of 40 acres. Subsequent applications shall be adjacent to or across the road from previously mapped PD-TREC districts and shall be a minimum of 25 acres. Notwithstanding the provisions of Section 6-1504, the only provision in this paragraph that may be modified is that regarding subsequent district size.
- (C) **District Subareas.** The PD-TREC District shall be divided into two (2) parts or subareas. The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian connections and movement, and access to the transit station.
- (1) **“Inner Core” Subarea.** The “Inner Core” subarea of the PD-TREC District shall mean the total gross land area located generally within a one-quarter (¼) mile from the outer edge of the planned rail transit station platform, as shown on an approved Concept Development Plan. The highest land-use intensities shall be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, and service commercial uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian-oriented uses (uses located at street level that are visible and accessible from the street).
 - (2) **“Outer Core” Subarea.** The “Outer Core” of the PD-TREC District shall mean the total gross land area located outside the Inner Core subarea, but generally within one-half (½) mile from the outer edge of the planned rail transit station platform, as shown on an approved Concept Development Plan. Densities are high, yet decrease in intensity as they increase in distance from the transit stop. Supporting retail, office, light industrial, and service commercial uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented

- (A) The following uses are permitted within both the Inner Core and Outer Core subareas:
- (1) Animal hospital (7,500 sq. ft. or less), in a completely enclosed facility, but permitted only in the Outer Core subarea.
 - (2) Ambulatory retail or food/beverage vendors and mobile vending carts, pursuant to Section 4-1010(A).
 - (3) Art gallery.
 - (4) Auction House, pursuant to Section 4-1010(B).
 - (5) Automobile car sharing agency, with on-site automobile storage not to exceed 10 cars.
 - (6) Automobile rental agency, with on-site automobile storage not to exceed 10 cars.
 - (7) Bank or financial institution, excluding drive-through facilities.
 - (8) Business service establishment.
 - (9) Child care facilities, pursuant to Section 5-609, or adult day care center.
 - (10) Church, synagogue, and temple.
 - (11) Civic, social and fraternal association meeting place.
 - (12) College, university, 50,000 sq. ft. or less (exclusive of on-site student, faculty and/or employee housing facilities).
 - (13) Community center.
 - (14) Conference, or training center.
 - (15) Convenience food store, excluding drive-through facilities and accessory gas pumps.
 - (16) Convention or exhibition facility associated only with a hotel/motel, not exceeding the foot print of the hotel/motel and located above or below the first floor.
 - (17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.
 - (18) Educational institution, less than 50,000 sq. ft.
 - (19) Establishments for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building are

1 incidental to the principal use of scientific research, development
2 and training.

3 (20) Facility for lessons in dance, gymnastics, judo and sports training
4 (less than 5,000 square feet).

5 (21) Fire, police and/or rescue station.

6 (22) Health and fitness center.

7 (23) Home service establishment.

8 (24) Hotel/Motel, pursuant to Section 4-1010(C).

9 (25) Library.

10 (26) Medical care facility, outpatient only.

11 (27) Museum, cultural center, arboretum.

12 (28) Offices, administrative, business, and professional.

13 (29) Off-street parking facilities, freestanding, in an above-ground or
14 below-ground parking structure only.

15 (30) Park, playground or plaza (public or private).

16 (31) Performing arts center (10,000 sq. ft. or less)

17 (32) Personal service establishment (5,000 sq. ft. of gross floor area or
18 less), excluding drive-through facilities. Permitted dry cleaning
19 personal service establishments shall be limited to drop-off/pick-
20 up centers only.

21 (33) Post office, drop-off and pick-up only.

22 (34) Private club or lodge, less than 10,000 sq. ft.

23 (35) Radio and television recording studio.

24 (36) Recreation establishment, indoor, pursuant to Section 4-1010(D).

25 (37) Repair service establishment (5,000 square feet of gross floor
26 area or less), including repair of small household appliances,
27 electronics, and similar scaled items, but not including vehicle or
28 heavy equipment repair.

29 (38) Restaurant, dine-in and carryout only, excluding drive-through
30 facilities.

31 (39) Restaurant, dinner theatre.

	Regional Office	25%	
	Commercial Retail & Services	10%	
	Light Industrial Uses	0%	
	Special Activity Uses	0%	
	Parks, Civic, and Open Space Uses *	15%	

**At least one publicly accessible plaza shall be located in the Inner Core subarea to represent the urban focal point as shown on the Concept Development Plan. In addition, publicly accessible greens, publicly accessible active recreation space, and publicly accessible mini-parks shall be appropriately distributed within walking distance from uses and generally depicted as to a street block location on the Concept Development Plan. Such publicly accessible greens, active recreation space and mini-park locations implementing the Concept Development Plan shall be shown on the Final Development Plan. These publicly accessible features shall be considered for each incremental addition proposed to the district to maintain open space within a reasonable actual walking distance.*

- (B) In order to exceed the minimum percentage in any one category, the minimum percentage in all categories must be achieved as evidenced by an approved Final Development Plan. After the minimum percentages have been achieved, in addition to the requirements of Section 6-1000, a zoning permit for change in tenant occupancy shall include a tabulation indicating that the minimum percentages continue to be met.
- (C) A vertical mix of uses is encouraged in multi-story buildings in both the Inner and Outer Core subareas, such as ground floor retail with upper-story offices. To achieve a greater integration of uses, when multiple use types are located within a single building, the Planning Commission may modify the land use mix requirements for Office, Light Industrial, and Commercial Retail & Services, as identified in Section 4-1008(A) above, by a maximum 10% during review of a Final Development Plan.
- (D) Phasing of development and the mix of uses required by this subsection must be included in the Final Development Plan. Each FDP shall indicate how the remainder of the development, including the required mix of uses, may be completed.

4-1009 Land Use Arrangement.

- (A) Bus stops shall be located throughout the PD-TREC District, as determined by the County in consultation with the Washington Metro Area Transit Authority (WMATA) or similar authority.
- (B) Land uses shall be adjoining or located in close proximity to one another to ensure a compact development pattern and a continuous urban streetscape.

(1) The use must be located within a building that houses two or more distinct principal uses that do not share the same physical space; and

(2) The use shall contain no more than 10,000 square feet.

(C) **Hotel/Motel.** Hotels/Motels are subject to the following conditions:

(1) Individual guest rooms in the hotel/motel shall be accessed only from an interior lobby in the building and shall not be directly accessible from the exterior of the building; and

(2) All stairwells, corridors and circulation components of the building shall be completely enclosed within the building envelope.

(D) **Recreation establishments, indoor** are subject to the following conditions:

(1) The facility must be located within a building that is a minimum of three stories in height,

(2) The building must house two or more distinct principal uses that do not share the same physical space, and

(3) The use shall contain no more than 10,000 square feet.

(E) **Light Manufacture Uses.** Light manufacture uses are permitted as special exception uses in the Outer Core subarea of the PD-TREC District, subject to the following conditions:

(1) The use complies with all applicable performance standards in Section 5-1500.

(2) The use is contained completely in an enclosed building; no outdoor storage or activity is allowed.

(3) The use does not produce any adverse noise, odor, heat or glare, or vibration impacts that are discernable to a reasonable person beyond the property lines of the use.

(4) The building housing the light industry use can be designed to be compatible in terms of scale, height, mass, and void-to-solid ratios with conventional commercial office design.

(5) The site and building design for the use shall not adversely affect the ability of pedestrians in the district to access either adjacent land uses, uses in the Inner Core subarea, or the transit station.

Forester/Arborist, street trees will not survive in a given location, substitute plantings or substitute locations may be provided.

4-1018 Tree Canopy. Notwithstanding the requirements of Section 5-1303, the tree canopy requirements of Section 5-1303 shall not apply to the Inner Core subarea.

4-1019 Development Setback and Access from Major Roads. The following requirements of Section 5-900 shall be observed.÷

(A) ~~Setback. No building shall be located closer than 100 feet to the right-of-way of any arterial road.~~ In the Inner Core, buildings shall be located at a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum setback shall be 25 feet per Section 4-1006 (A) (1).

~~(B) Access. No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~

~~(C) Road Design. Roads serving all uses in the district shall be designed and constructed to VDOT standards for inclusion in the state highway system.~~

4-1020 Accessory Structures and Uses. Accessory structures and uses shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

4-1021 Signs.

(A) The requirements of Section 5-1204(D) shall be followed for PD-TREC development.

(B) As applicable, commercial/office and miscellaneous signs within the PD-TREC District shall follow the requirements of similar signs in the PD-TRC district as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

(C) As applicable, industrial signs within the PD-TREC District shall follow the requirements for flex industrial signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-1022 Ownership, Operation and Management of Common Open Space and Common Facilities

(A) All common open space shall be preserved for its intended purpose as expressed in the Final Development Plan. The applicant shall choose prior to approval of final site plan, one (1) or a combination of the following methods of administering common open space.

(1) Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.

- 1 (3) Automobile car sharing agency.
- 2 (4) Automobile rental agency, with on site automobile storage not to
- 3 exceed 10 cars.
- 4 (5) Bank or financial institution, excluding drive-through facilities.
- 5 (6) Business service establishment.
- 6 (7) Child care facilities, pursuant to Section 5-609, or adult day care
- 7 center.
- 8 (8) Church, synagogue, and temple.
- 9 (9) Civic, social and fraternal association meeting place.
- 10 (10) College, university, less than 50,000 sq. ft. (exclusive of on-site
- 11 student, faculty, and/or employee housing facilities).
- 12 (11) Community center.
- 13 (12) Community Garden, not to exceed 20,000 square feet.
- 14 (13) Conference and training center.
- 15 (14) Congregate housing facility.
- 16 (15) Convenience Food Store.
- 17 (16) Convention or exhibition facility, associated only with a
- 18 hotel/motel, not exceeding the floor print of the hotel/motel, and
- 19 located above or below the first floor.
- 20 (17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.
- 21 (18) Dormitory, fraternity/sorority house, rooming/boarding house or
- 22 other residence hall.
- 23 (19) Dwelling, above first floor commercial uses.
- 24 (20) Dwelling, multi-family (minimum of 4 stories in height). A
- 25 multi-family structure may be less than 4 stories in height if it is
- 26 constructed between a parking structure and a street and
- 27 effectively screens the parking structure from public view.
- 28 (21) Educational Institution, less than 50,000 sq. ft.
- 29 (22) Establishment for general research, scientific research,
- 30 development and/or training where assembly, integration and
- 31 testing of products in a completely enclosed building is incidental

1 to the principal use of scientific research, development and
2 training.

3 (23) Facility for lessons in dance, gymnastics, judo and sports training
4 (less than 5,000 square feet).

5 (24) Fire, police and/or rescue station.

6 (25) Health and fitness center.

7 (26) Home service establishment.

8 (27) Hotel/Motel, pursuant to Section 4-1111 (B).

9 (28) Library.

10 (29) Off-street parking facility, freestanding (serving two or more
11 lots).

12 (30) Public transit facilities to include bus shelters and bicycle parking
13 facilities.

14 (31) Medical care facility, outpatient only.

15 (32) Museum, cultural center, arboretum.

16 (33) Offices, administrative, business, and professional.

17 (34) Park, playground or plaza (public or private).

18 (35) Performing arts center (10,000 sq. ft. or less)

19 (36) Personal service establishment.

20 (37) Post office, drop-off and pick-up only.

21 (38) Private club or lodge, less than 10,000 sq. ft.

22 (39) Radio and television recording studio.

23 (40) Recreation establishment, indoor, pursuant to Section 4-1111 (D).

24 (41) Repair service establishment.

25 (42) Restaurant (dine-in and carryout only).

26 (43) Restaurant, dinner theatre.

27 (44) Restaurant, fast-food without drive-through facilities.

28 (45) Retail/Food and Beverage Sales – Ambulatory Vendors and
29 Mobile Vending Carts, pursuant to Section 4-1111 (E)

- (A) Bus stops shall be located throughout the PD-TRC District, as determined by the County, the Washington Metro Area Transit Authority (WMATA) or similar authority.
- (B) Land uses shall be adjoining or located in close proximity to one another to ensure a compact development pattern and a continuous urban streetscape.
- (C) The Transit Related Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape and floodplain.
- (D) Average block length (measured at the right-of-way) within the total development area that is the subject of a Final Development Plan shall not exceed 400 feet. Blocks designed to include a mid-block through-alley, that permits secondary vehicle access to land uses on the block, may be a maximum of 800 feet in length, half of which shall be used in the calculation of average block length.
- (E) All utility distribution lines located on PD-TRC designated land shall be placed underground.
- (F) The Transit-Designed Supportive Area street network should complement and support the Inner and Outer Core subarea street network by providing multiple and direct vehicular, bicycle, and pedestrian connections to the transit station.
- (G) Awnings, canopies, trellises, and similar architectural features may cantilever over the pedestrian walkway. Eaves may cantilever over the pedestrian walkway no more than 3 feet.
- (H) Pedestrian walkways shall be located on all four sides of a block.

4-1111

In addition to the requirements contained in Article 5, the following uses shall have limitations as specified below:

- (A) **Auction Houses** are subject to the following conditions: the use (1) must be located within a building that houses two or more distinct principle uses that do not share the same physical space; and (2) use shall contain no more than 10,000 square feet.
- (B) **Hotel/Motel.** Hotels/Motels are subject to the following additional conditions: (1) Individual guest rooms in the hotel/motel shall be accessed only from an interior lobby in the building and shall not be directly accessible from the exterior of the building; and (2) All stairwells, corridors and circulation components of the building shall be completely enclosed within the building envelope.

(A) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and residential uses.

(B) For individual lots within the PD-TRC district that are developed in accordance with a proffered Concept Development Plan, the buffer and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the center or between uses within the PD-TRC district and differently zoned properties.

4-1119 Street Trees. Trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1 (one) inch and a height at maturity of 15 (fifteen) feet or more. If in the opinion of the Planning Commission at time of review of the Final Development Plan, upon the advice of the County Urban Forester/Arborist, that street trees will not survive in a given location, substitute plantings or substitute locations may be provided.

4-1120 Tree Canopy. Tree canopy requirements of Section 5-1303 shall not apply to the Inner Core subarea.

4-1121 Development Setback and Access from Major Roads. The following requirements of Section 5-900 shall be observed.:

~~(A) Setback.~~

~~(1) No building shall be located closer than 100 feet to the right-of-way of any arterial road unless a component of an "urban deck."~~

~~(2)(A)~~ In the Inner Core, buildings shall be located a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum setback shall be 25 feet.

~~(B) Access. No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~

~~(C)(B)~~ **Private Streets.** Roads, serving single family attached, townhouse, and multifamily uses only, may be constructed to private street standards set forth in the Facilities Standards Manual, provided the following conditions are met:

- (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.
- (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

- 1 (3) Sales brochures or other literature and documents, provided by
2 the seller of lots served by such private roads, shall include
3 information regarding responsibility for maintenance, repair,
4 replacement, and covenants pertaining to such lots, including a
5 statement that the County has no and will have no responsibility
6 for the maintenance, repair, or replacement of private roads.

7 ~~(D) Roads serving all other uses shall be designed and constructed to VDOT~~
8 ~~standards for inclusion in the state highway system.~~

9 **4-1122 Accessory Structures and Uses.** Accessory structures and uses shall be
10 permitted only where said uses and structures are customarily accessory and
11 clearly incidental and subordinate to the permitted principal use and structures.
12 Surface parking lots are permitted as an accessory use for single-family attached
13 and multi-family dwellings.

14 **4-1123 Signs.** The requirements of Section 5-1200 shall be followed for PD-TRC
15 development. Residential signs within the PD-TRC district shall follow the
16 requirements of the PD-H signs as enumerated in the Sign Requirements Matrix,
17 Section 5-1204(D).

18 **4-1124 Ownership, Operation, and Management of Common Open Space and**
19 **Common Facilities.**

20 (A) All common open space shall be preserved for its intended purpose as
21 expressed in the Concept Development Plan. The developer shall choose
22 prior to approval of the first record plat or final site plan, one (1) or a
23 combination of the following methods of administering common open
24 space:

25 (1) Public dedication to the County of the common open space,
26 subject to acceptance by the Board of Supervisors.

27 (2) Establishment of a non-profit association, corporation, trust, or
28 foundation of all owners of residential property within the
29 planned development. Such organization shall conform to the
30 following requirements:

31 (a) The organization must be established prior to approval of
32 the first record plat or final site plan in the proposed
33 development. The documents establishing such
34 organization shall be reviewed and approved by the
35 County.

36 (b) Membership in the organization shall be mandatory for all
37 residential property owners, present or future, within the
38 planned community and said organization shall not
39 discriminate in its members or shareholders.

Commercial & workplace lots

Minimum 3,000 sq. ft.

*Note: Inclusive of any greens, parks and squares.

**Note: For purpose of applying the percentages in the above table, land designated for use as a private or public school for more than 9 children shall be excluded from these calculations as a civic use.

4-1208 Development Potential in the Rural Village District.

(A) Designated Residential Areas.

(1) The maximum residential development potential of the Rural Village district, shall be calculated upon a base density of one (1) dwelling unit per three (3) acres, as adjusted by application of the following bonuses:

(a) The base number of proposed residential units in the village may be increased by 35 percent in all rural villages.

(b) The base number of proposed residential units in the village may be increased by an additional fifteen percent (15%) if the proposed village includes a mix of both single-family detached and single-family attached dwelling units.

(c) The base number of proposed residential units in the village may be increased by four (4) dwelling units for each 100 acres dedicated to serve as Village Conservancy lot(s). ~~created greater than 100 acres in size.~~

In any case, the maximum number of residential units within the Village district shall not exceed 300 dwelling units, exclusive of dwelling units developed on conservancy lots and accessory dwelling units.

(2) The total number of residential units permitted in a village, as determined above, shall not include those residential units established on lots which are created in the Village Conservancy and Satellite Conservancy subdistricts.

(3) The maximum residential development potential of a Satellite Conservancy subdistrict, which may be transferred to the Village Center, shall be limited by the provisions of Section 4-1206(B).

(4) Additional accessory dwelling units are permitted on lots three (3) acres in size or greater, pursuant to Section 5-613 of this Ordinance.

(B) Designated Commercial and Workplace Areas.

- (17) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (18) Farm machinery sales and service, pursuant to Section 5-615.
- (19) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (20) Guest house, pursuant to Section 5-612.
- (21) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (22) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (23) Dwelling, single family detached, including doublewide manufactured housing.
- (24) Small business, pursuant to Section 5-614.
- (25) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (26) Stable, private.
- (27) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (28) Wayside stand, pursuant to Section 5-604.

~~(29) Portable dwelling/trailer during construction of a primary residence, pursuant to Section 5-500.~~

~~(30)~~(29) Utility substation, dedicated.

~~(31)~~(30) Veterinary service.

~~(32)~~(31) Bus shelter.

~~(33)~~(32) Commuter parking lot, with less than 50 spaces.

~~(34) Construction and/or sales trailer, during period of construction activity.~~

~~(35)~~(33) Sewer pumping station.

~~(36)~~(34) Mill, feed and farm supply center.

~~(37)~~(35) Water pumping station.

(B) Village Center - Residential Area.

- (1) Dwelling, single family detached.

- (2) Home occupation.
- (3) Child or adult day care home.
- (4) Private school for less than nine (9) pupils.
- (5) Bed and breakfast homestay.
- (6) Office, as an accessory use and occupying no more than 1,200 square feet of floor area per lot.
- (7) One accessory building and/or dwelling, on lots greater than three acres in size, pursuant to Section 5-613.
- (8) Greens, parks and squares.
- (9) Dwelling, single family attached.
- (10) Studio space - artist, crafts person, writer, etc.
- (11) Bed and breakfast inn.
- (12) Retail sales, accessory to residential use and occupying no more than 600 square feet of floor area per lot.

(C) Village Center - Commercial and Workplace Areas.

- (1) Church, synagogue and temple.
- (2) Convent, monastery, or seminary.
- (3) Library.
- (4) Post office.
- (5) Museum, historical and cultural center.
- (6) Child or adult day care ~~center, home.~~
- (7) Community center.
- (8) Theater.
- (9) Greens, parks and squares.
- (10) Accessory apartment or dwelling units, located above the ground floor.
- (11) Retail sales, occupying no more than 5,000 square feet of floor area per lot.
- (12) Personal service establishment.

- (13) Business service establishment.
- (14) Banks or financial institution, pursuant to Section 5-659.
- (15) Structures or use for federal, state or local government purposes.
- (16) Office, occupying no more than 10,000 square feet of floor area per lot.
- (17) Restaurant.
- (18) Studio space - artist, crafts person, writer, etc.
- (19) Country inn.
- (20) Bed and breakfast inn.
- (21) Office, medical and dental.
- (22) Continuing care facility, with less than 20 rooms.
- (23) Veterinary service.
- (24) Fire and/or rescue station.
- (25) Farm market.
- (26) Contractor service establishment, without outdoor storage.
- (27) Convenience food store, without gas pumps.
- (28) Telecommunications antenna, pursuant to Section 5-618(A).
- (29) Police Station.

4-1210 Special Exception Uses.

- (A) **Village Conservancy and Village Satellite Conservancy Subdistrict.**
The following uses shall be permitted by special exception in both the Village Conservancy and Satellite Conservancy subdistricts unless otherwise designated:

- (1) Golf course, clubhouse and supporting uses including restaurant, pro-shop, maintenance structures, tennis/racquet ball courts and parking lots in the Village Conservancy subdistrict.
- (2) Rural Retreats and Resorts pursuant to Section 5-601 (D).
Supporting recreational uses for hotels/motels, rural retreats,
community recreation facilities including restaurants, swimming pools and changing facilities, maintenance structures,

1 tennis/racquet ball courts and parking lots in the Village
2 Conservancy subdistrict.

3 (3) Schools in the Village Conservancy subdistrict.

4 (4) Child and/or adult day care center in the Village Conservancy
5 subdistrict.

6 (5) Public water and wastewater facilities including land application
7 fields, not identified on the approved Concept Development Plan,
8 in the Village Conservancy subdistrict.

9 (6) Cemetery.

10 (7) Park, regional.

11 (8) Museum, historical and cultural center, arboretum.

12 (B) **Village Center - Residential Area.**

13 (1) Church, synagogue and temple.

14 (2) Convent, monastery, or seminary.

15 (3) Library.

16 (4) Post office.

17 (5) Museum, historical and cultural center, arboretum.

18 (6) Child and/or adult day care center.

19 (7) Community center.

20 (8) Theater.

21 (9) School.

22 (10) Structures or uses for federal, state or local government purposes.

23 (11) Art gallery.

24 (12) Continuing care facility.

25 (13) Retail sales, occupying less than 3,000 square feet of floor area
26 per lot.

27 (14) Office, less than 6,000 square feet of floor area per lot.

28 (15) Hotel/Motel, with more than twenty (20) guest rooms.

29 (16) Personal service establishment.

(17) Business service establishment.

(C) **Rural Village Center - Commercial and Workplace Areas.**

(1) Retail sales, occupying more than 5,000 and less than 10,000 square feet of floor area per lot.

(2) Office, occupying more than 10,000 and less than 20,000 square feet of floor area per lot.

(3) Hotel/Motel.

(4) Rural retreat.

(5) School.

(6) Continuing care facility, with more than 20 rooms.

(7) Car wash.

(8) Automobile service station.

(9) Storage, outdoor.

(10) Sale and storage of building materials and garden supplies.

(11) Motor vehicle storage, outdoor.

(12) Convenience food store, with gas pumps.

(13) Warehousing facility.

(14) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products.

(15) Farm machinery sales and service.

(16) Utility substation, communal water and wastewater treatment facilities and other utilities to serve the Rural Village district.

(17) Animal hospital.

(18) Nursery, commercial.

(19) Repair service establishment, with accessory outdoor storage.

(20) Contractor service establishment, with accessory outdoor storage.

(21) Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage.

(22) Storage, mini-warehouse.

- (3) Outdoor storage of materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator, as required by Section 5-1400 of this Ordinance.
- (4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

4-1213 Lot and Building Requirements.

(A) Village Conservancy and Satellite Conservancy Subdistricts.

- (1) **Average Lot Size.** Fifty (50) acres minimum.
- (2) **Minimum Lot Size.** Ten (10) acres, exclusive of major floodplain and steep slopes.
- (3) **Minimum Lot Width.** 300 feet.
- (4) **Length/Width Ratio.** ~~5~~9:1 maximum.
- (5) **Perimeter Yard.** Sixteen (16) feet minimum.
- (6) **Maximum Lot Coverage**~~Building Area.~~ 7,500 sq. ft. minimum; 30,000 sq. ft. maximum. 8% for Single Family Residential and 25% for all other uses.
- (7) **Building Height.** Three (3) stories or forty (40) feet maximum whichever is less.

(B) Village Center - Residential Area.

(1) Single-Family Detached Lots

- (a) **Lot Size.** 5,000 sq. ft. minimum, exclusive of major floodplain and steep slopes.
- (b) **Lot Width.** 60 feet minimum.
- (c) **Length/width ratio.** 5:1 maximum.
- (d) **Front yard.** Six (6) feet minimum and thirty (30) feet maximum for lots 10,000 square feet in size or less. Twenty-five (25) feet minimum and sixty (60) feet maximum for lots greater than 10,000 square feet in size. (See Figure 6B)
- (e) **Side yard.** Eight (8) feet minimum.
- (f) **Rear yard.** Sixteen (16) feet minimum.

(a) **Lot Size.** 20,000 sq. ft. minimum for the main village green minimum; 10,000 sq. ft. minimum for other greens, parks and squares. (See Figure 4)

(b) **Lot Width.** 96 feet minimum for the main village green minimum; 64 feet minimum for other greens, parks and squares.

(c) **Length/Width Ratio.** 5:1 maximum.

(4) **Commercial/Workplace Lots.**

(a) **Lot Size.** 1,600 square feet minimum, exclusive of major floodplain and steep slopes.

(b) **Lot Width.** Sixteen (16) feet minimum; forty-eight (48) feet maximum for attached buildings and one hundred twenty (120) feet maximum for detached buildings.

(c) **Length/Width Ratio.** 9:1 maximum.

(d) **Front Yard & Entrance.** A maximum front yard setback of sixteen feet for all commercial uses except day care facilities. The maximum front yard setback for daycare facilities is 50 feet. A minimum of 60% of buildings located on a single block shall share a common set back. A minimum of 60% of any building shall abut the front property line (See Figure 7B). The principal entrance of a commercial building shall be from the front.

(e) **Side Yard.** Storefront buildings fronting on the same street and located on the same block shall be attached except where pedestrian ways are located between buildings.

(f) **Lot Surface Coverage.** 70% maximum.

(g) **Building Height.** Three (3) stories or 40 feet maximum, whichever is less.

(h) **Front Sidewalk.** Eight (8) feet minimum width, which may include a minimum six (6) foot wide sidewalk and planting strip of two (2) feet wide at the curb. (See Figure 7A) Open colonnades constructed over a sidewalk which adjoins storefront buildings may be permitted subject to an appropriate easement.

(i) **Alleys.** Off-street parking for storefront buildings may be provided at the rear of the lot and may be accessed either

1 feet) between successive driveways. (Typical drawings
2 permitted.)

- 3 (c) Off-street parking areas, carports, and garages in a Village
4 Center should be designed to have low visibility and
5 consequently shall not be located at the visual termination
6 of roads and streets and shall not be the principal use of
7 corner lots. To this same end, front load garages and
8 carports should offset from direct view and should be
9 located a minimum of six (6) feet behind the principal
10 building facade. Any parking lot which abuts a street shall
11 be buffered by a landscaped strip no less than ten (10) feet
12 wide and planted with a continuous row of shrubs no less
13 than 3 1/2 feet high, and/or shielded by a wall no less than
14 3 1/2 feet and no more than six (6) feet high.

15 (5) **Landscaping.**

- 16 (a) The applicant shall submit a conceptual Landscape
17 Master Plan as part of the Concept Development Plan
18 which identifies design intentions, the general location
19 and size of both existing vegetation to be retained and
20 proposed new vegetation, typical landscape sections and
21 drawings, typical planting materials, and the phasing of
22 landscape installation and planting methods.
- 23 (b) Roads and streets in Village Center residential areas
24 should generally be planted on both sides with street trees
25 spaced, according to species, at regular intervals. The
26 width of sidewalks required pursuant to Section 4-1213
27 should account for such street trees. Streets in the
28 storefront areas of the Village Center shall be planted on
29 at least one (1) side with street trees spaced, according to
30 species, at regular intervals. (Typical drawings permitted.)

31 **4-1217 Village Governance.** Every rural village shall have an established homeowners
32 association with documents reviewed and approved by the County prior to first
33 Record Plat approval. The Rural Village Homeowner Association documents
34 shall provide for maintenance of street trees, and other community landscaping
35 such as in village greens, parks and squares, private streets, stormwater
36 management systems, water and sewer facilities. In addition, all roads, streets
37 and alleys, and infrastructure improvements shall be provided by the applicant
38 and maintained in a manner approved by the County either by the applicant or
39 the Village Homeowner Association unless accepted for maintenance by a
40 public entity.

41 **4-1218 Modification of Regulations.**

- 42 (A) **Precedence.** Where there are explicit differences between provisions of
43 the Rural Village Ordinance and general zoning, subdivision or other

(G) Telecommunications monopole, pursuant to Section 5-618(B)(2).

(H) Telecommunications tower, pursuant to Section 5-618(C)(2).

(I) Police Station.

4-1306 Maximum Residential Density. The number of dwelling units in an active adult/age-restricted community shall not exceed 30 dwelling units per acre of the developable area as set out in Section 4-1302(D). Such number does not include dwelling units which may be required under Article 7 of this ordinance.

4-1307 Lot Requirements.

(A) **Size.** 6,000 sq. ft. minimum for single family detached dwellings; 3,000 sq. ft. minimum for duplex dwellings; 2,200 sq. ft. minimum for triplex end units or quadruplex dwellings; 1,800 sq. ft. minimum for triplex interior dwellings; 1,600 sq. ft. minimum for townhouse dwellings; 8,000 sq. ft. minimum for a multi-family structure; each exclusive of major floodplain.

(B) **Width.** 50 feet minimum for single family detached dwellings; 40 feet for duplex dwellings; 30 feet for triplex end unit dwellings; 18 feet for triplex interior dwellings; 35 feet for quadruplex dwellings; 26 feet for townhouse end unit dwellings; 16 feet for interior townhouse dwellings; 80 feet minimum per lot for multi-family structures.

(C) **Yards.** Each lot shall provide the following yards:

(1) **Single Family Detached Dwellings.**

(a) **Front.** 25 feet minimum.

(b) **Side.** 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.

(c) **Rear.** 25 feet minimum.

(2) **Single Family Attached Dwellings.**

(a) **Front.** 40 feet minimum from centerline of travelway which does not include parking. 45 feet minimum from the centerline of travelway which does include parking.

(b) **Side.** No requirement ~~for interior lot with~~ along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 25 feet minimum, no requirement along common walls.

- (3) **Multi-Family Dwellings.** Each multi-family structure shall provide the following yards:
- (a) 100 feet from edge of adjoining residential, commercial, institutional, or industrial district.
 - (b) 50 feet from edge of adjoining office district.
 - (c) 40 feet from any internal private street or road, not including service entrances.
 - (d) 60 feet between buildings.
- (4) **Adjacent to roads.** No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
- (5) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking shall be permitted closer than (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas.

(D) **Length/Width Ratio.** 6:1 maximum

4-1308 Building Requirements.

(A) **Lot Coverage.**

- (1) Single-family detached and single-family attached, 50 percent maximum.
- (2) Multi-family not to exceed a maximum of 30 percent.

(B) **Building Height.** Sixty (60) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions a distance of not less than one (1) foot ~~two (2) feet~~ for each one (1) foot of height that it exceeds the 60 foot limit, except where it adjoins a non residentially zoned district, the building height shall be 100 feet maximum.

4-1309 Common Open Space, Including Recreational Spaces. Not less than 50 percent of the gross area of the development.

4-1310 Utility Requirements. All utility distribution lines in the PD-AAAR district shall be placed underground.

4-1311 Development Setback and Access from Major Roads. In designing residential development, the ~~following~~ requirements of Section 5-900 shall be observed:

~~(A) **Setback.** No building shall be located any closer than 100 feet from the right of way of any arterial road, and 75 feet from the right of way of a major collector.~~

~~(B)Access. No individual lot or housing unit created after adoption of this Ordinance shall have direct access to arterial or major collector roads.~~

~~(C)(A)~~ **Private Streets.** Internal roads may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met:

- (1) All facilities served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat or site plan of a reserve fund for repairs to such road.
- (2) The record plat, site plan, and/or protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.
- (3) Sales brochures or other literature and documents, provided by the seller whose development is served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the State highway system.

4-1312 Development Criteria. The following recreational, educational, and cultural facilities solely for the residents, employees and their guests shall be located on site or within 10 miles of the site. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development shall be provided.

- (A) Golf course (minimum 18 holes).
- (B) Chapel.

Section 4-1500 FOD - Floodplain Overlay District

4-1501

Purpose and Intent. These provisions are created to regulate and restrict land use in areas within the County which are subject to severe periodic inundation by waters of the one hundred year flood, in such a manner as to: (1) protect life and prevent or minimize property damage; (2) reduce public costs for flood control, rescue and relief efforts occasioned by unwise use or occupancy of such areas; (3) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on the County's water sources; (4) comply with Federal and State laws and regulations that address the need for floodplain management and protection; and (5) qualify Loudoun residents for the insurance and subsidies provided by the National Flood Insurance Program. Only those uses set forth in Section 4-1505 and 4-1506 shall be permitted by right or special exception within the Floodplain Overlay District, and land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

4-1502

Authority. Authority for these provisions includes:

- (A) Flood Damage Reduction Act, Va. Code Sections 62.1-44.108 et seq.
- (B) Chapter 11, Title 15.1, Code of Virginia (Planning, Subdivision of Land and Zoning).
- (C) Soil Conservation Districts Law, Va. Code Sections 21-2(c), 21-2(d).
- (D) Virginia Environmental Quality Act, Va. Code Section 10-178.
- (E) Erosion and Sediment Control Act, Va. Code Section 21-89.2.
- (F) Potomac River Basin Compact, Va. Code Section 62.1-69.1.
- (G) National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.

4-1503

Definitions. Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1500.

- (A) **Alteration.** A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities ~~such as clearing, grading, excavating, transportation and filling of land.~~
- (B) **Base Flood.** The flood having a one (1) percent chance of being ~~equalled~~ equaled or exceeded in any given year. Also known as the 100-year flood.

- (C) **Cross section.** Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.
- (D) **Floodplain.** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres. For purposes of regulation under this Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres, and those in watersheds of 640 acres or less ~~than 640 acres~~.
- (E) **Road, Crossing of the Floodplain.** Any improved ~~roadway~~right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway. Driveways serving one (1) lot shall not be considered road crossings.
- (F) **Stormwater Management Improvements.** Surface or subsurface drainage improvements, storm sewers, detention and retention ponds and other such improvements as required the Facilities Standards Manual or under authority of the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.
- (G) **Utility Lines in the Floodplain.** Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

4-1504 Administration.

- (A) The sources of delineation of the floodplain shall include, but shall not be limited to:
- (1) ~~Flood Insurance Study of Loudoun County, Virginia, unincorporated areas by the Federal Emergency Management Agency (FEMA) (November, 1985, as amended) Loudoun County Virginia and Incorporated Areas, Flood Insurance Study and Flood Insurance Rate Map, both dated July 2001.~~ (This study shall represent the minimum identification of the floodplain. Any changes to the Flood Insurance Rate Map data contained in this study shall have the prior approval of the Federal Insurance Administration);
- ~~(2) Flood hazard studies by USDA Soil Conservation Service;~~
- ~~(3)(2) Floodplain studies by other Federal agencies such as the Corps of Engineers or the U.S. Geological Survey (USGS);~~
- ~~(4)(3) Detailed site-specific floodplain studies conducted by consulting engineering firms or government agencies;~~

(5)For the Potomac River, the flood of 1936 known elevations along with a hydraulic gradient established by past flood events and ground topography; and

(6)For the main stem of the Broad Run, from the Potomac River to the confluence of the North and South Forks, The Floodplain Study of the Broad Run Watershed, prepared by GKY and Associates, Inc. dated December 1990, as amended.

~~(B)~~The watershed map of Loudoun County shall show the approximate floodplain elevations and boundaries of watersheds greater than 100 acres and of watersheds greater than 640 acres. The Zoning Administrator, in consultation with the Director of Environmental Resources, is charged with making necessary cartographic interpretations of those maps.

~~(C)(B)~~ The provisions of this Section shall apply to all land within a floodplain. As used in this Section 4-1500, "floodplain" refers to certain areas whose boundaries are determined and can be located on the ground by reference to the definition of that term. The approximate boundaries of the floodplain and Floodplain Overlay District as shown on the Floodplain Map of Loudoun County shall show the approximate floodplain elevations and boundaries of watersheds greater than 100 acres and of watersheds greater than 640 acres. The floodplain limits and Floodplain Overlay District shown on the official Floodplain Map of Loudoun County shall govern all development in such areas, provided however, that the floodplain limits and Floodplain Overlay District may be adjusted by the Zoning Administrator based on engineering studies; further provided, that only those actual land areas which meet the definition of floodplain shall be subject to the provisions of this section.~~are intended to correspond to the actual physical location of the floodplain.~~ The Zoning Administrator, in consultation with the Director of Building and Development~~Environmental Resources~~, is authorized to make necessary interpretations and map updates as to the exact location of the boundaries of floodplains if there appears to be a conflict between the mapped floodplain boundary, elevations and actual physical conditions. Such interpretations may be appealed to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700. The Zoning Administrator may require information from any an applicant, including, but not limited to a topographic survey and/or an engineering study of the floodplain in conformance with the provisions of the Facilities Standards Manual.

4-1505

Permitted Uses. The following uses, having a low flood damage potential and causing no obstruction of flood flows, shall be permitted within the Floodplain Overlay District. Uses allowed in the underlying district shall be prohibited to the extent not permitted by right or by special exception in the Floodplain Overlay District. Where any uses, structures or improvements will result in an alteration to the floodplain, applications for alterations must be submitted ~~to the~~

~~Zoning Administrator~~ in accordance with subsection 4-1508, and any alteration must meet the criteria contained in that subsection.

(A) Permitted uses in the floodplain of streams draining greater than 640 acres.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, wildcrop harvesting, vegetable gardens, truck farming and sod farming. In addition, timber harvesting is permitted upon submission of a Timber Management Plan that has been approved by the Virginia Division of Forestry.
- (2) Fishery uses such as fish hatcheries, fish harvesting.
- (3) Public or private recreational uses such as golf courses and driving ranges, archery ranges, picnic grounds, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, swimming areas (except for swimming pools) hiking and horseback riding trails, play areas of a natural, permeable nature, including ball fields and polo fields, and other similar park and open space uses. Tennis courts, basketball courts, and similar type courts are permitted provided impervious surfaces do not exceed three percent (3%) of the floodplain within the development, and are not located within the floodway.
- (4) Stormwater management improvements associated with uses permitted by right or special exception in the Floodplain Overlay District.
- (5) Utility lines, road crossings, and private drives, ~~serving up to seven (7) lots and or~~ private access easements ~~serving low density development, and Private Lanes serving up to twenty five (25) lots in the A-25 District as provided for in Section 2-107.~~
- (6) Repair, reconstruction or improvement of existing residences, so long as the footprint of the existing residence is not increased and is not considered a substantial improvement. "Substantial Improvement" means any repair, reconstruction or improvement the cost of which equals or exceeds fifty percent (50%) of the market value of the existing structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage has occurred, regardless of the actual repair work performed.
- (7) Parking areas accessory to uses permitted by right or special exception in Floodplain Overlay District.
- (8) Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in

the Floodplain Overlay District. Such structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels or similar substances are prohibited in the Floodplain Overlay District; and further provided that any new construction shall comply with applicable FEMA requirements for new construction in flood plain area.

- (9) Temporary storage of material or equipment necessary in the construction of uses or structures permitted by right or special exception in the Floodplain Overlay District.
- (10) Alterations of the floodplain associated with any permitted or special exception uses in the Floodplain Overlay District. However, no channelization shall occur except to protect existing habitable structures subject to periodic flooding. Applications for alterations of the floodplain must be submitted in accordance with Section 4-1508. To the extent that the elevations and boundaries of the floodplain change as a result of the alteration action, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.
- (11) Restoration and rehabilitation of historic structures included or eligible for inclusion on a federal, state or local historic register.
- (12) Road crossings subject to the procedures and standards in Section 4-1508. If such a development action results in an off-site increase in the water surface elevation of the base flood as shown on the Floodplain Map of Loudoun County, it is subject to the following criteria and provisions:
 - (a) The procedures and standards for alterations in Section 4-1508 shall apply; provided, however, the proposed crossing may result in a rise in the water surface elevation of the base flood of no more than one (1) foot.
 - (b) The proposed crossing must be a feature shown on the Comprehensive Plan.
 - (c) A floodplain alteration in accordance with the Facilities Standards Manual shall be submitted delineating all increases in the base flood, and the new floodplain limits shall be approved by FEMA, where a FEMA designated floodplain or floodway will be altered. There shall be no increase allowed by FEMA in the base flood elevation within FEMA designated floodway.

Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply:

(A) Contextual Compatibility Development Standards.

(1) **Average Front Yard.** Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards ~~consistent with the of a distance equal to the average~~ front yard of all principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed.

(2) **Building Height.** Proposed buildings shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building.

(B) Other Standards.

(1) Street System / Connectivity.

(a) **Connections to Existing Streets.** Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.

(2) Variation of Lot Building Sizes.

(a) In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

(3) Sidewalks.

(a) Sidewalks ~~may~~ shall be provided for the parcel or parcels being developed in accordance with on one side of all streets, or greater if required by the Facilities Standards Manual (FSM).

~~(b) Sidewalk connections. Connections to existing or planned sidewalks shall be made at the property boundaries of the project by incorporating and continuing all sidewalks stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.~~

(4) **Street Trees.** In addition to tree planting and replacement requirements of Section 5-1300, street trees shall be provided along the frontage of each lot and shall be regularly spaced.

(5) **Garage locations.** Front-loaded ~~G~~garages ~~locations~~ shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot.

(17) Enclosed areas devoted to collection of recyclables generated by the principal use.

(18) Bus shelter or bus stand.

(19) Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower.

(B) Commercial and Industrial.

(1) Dumpsters and dumpster pads.

(2) Emergency power generators.

(3) Fence or wall.

(4) Freestanding air conditioning machinery.

(5) Parking uses and structures.

(6) Recycling facilities pursuant to 5-607(B).

(7) Storage sheds not exceeding 200 square feet.

(8) Stormwater management/BMP facilities.

(9) Utility substation, dedicated.

(10) Bus shelter or bus stand.

(11) Accessory living quarters for watchman, guard or custodian.

(12) Sculpture, fountain, etc.

(13) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.

(14) Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

5-102

Use Limitations. The following limitations apply to accessory uses or structures listed in Section 5-101 above:

(A) Accessory uses or structures shall be located on the same lot as the principal structure or use.

(B) Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.

- 1 (C) Except as permitted in Section 5-200, no accessory use or structure shall
2 be located in a required yard.
- 3 (D) No accessory use or structure shall create a nuisance or hazard.
- 4 (E) No accessory structure referenced in Section 5-100 shall be used as a
5 dwelling or for lodging, except as otherwise provided.
- 6 (F) ~~Home occupations shall not exceed 25% of the total floor area of an~~
7 ~~accessory structure.~~
- 8 (G) Except in the case of home occupations conducted within a tenant house,
9 an accessory use or structure shall be operated and maintained under the
10 same ownership as the principal use.
- 11 (H) No accessory use shall be established until the principal use is
12 established.

Section 5-200

Permitted Structures in Required Yards and Setbacks. The following shall be allowed in a required yard or setback, provided applicable sight distance and fire safety requirements are met and maintained:

(A) In all yards or setbacks, including a front yard:

- (1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.
- (2) Ground level terraces, patios or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.
- (3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.
- (4) Bay windows and overhanging floors, eaves and gutters projecting 30 inches or less into the yard.
- (5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not reduce the width of a yard to less than three (3) feet.
- (6) Covered ~~entry~~ porches, enclosed or unenclosed, may project a maximum of three (3) feet provided such projection does not reduce the width of the yard to less than three (3) feet.
- (7) Arbors and trellises.
- (8) Flag poles.
- (9) Recreational equipment.
- (10) Signs, pursuant to Section 5-1200.

(11) Bus Shelters

(12) Entry stairs or handicap ramps including rails.

(B) In any yard or setback, except ~~at~~ the front yard or setback.

- (1) Clotheslines.
- (2) Fences shall not exceed eight (8) feet in height in residential areas.
- (3) Balconies projecting a maximum of four (4) feet provided they do not reduce the width of the yard to less than three (3) feet.

(8) In conjunction with Section 5-500(A), temporary buildings for the storage of construction materials, subject to the following standards:

- (a) The height of a temporary building shall not exceed nine (9) feet from average finished grade to the peak of the roof.
- (b) The temporary building shall be setback from any property line a minimum distance equal to its height.
- (c) Except for the temporary building, no outdoor storage of construction related materials may be located anywhere within a minimum required yard.
- (d) With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.

~~(C) In the rear yard only.~~

~~(1)(9)~~ For single family detached houses, decks exceeding thirty (30) inches in height ~~may be permitted in rear yard setbacks,~~ but no closer than five (5) fifteen (15) feet to a rear or side lot property line.

~~(2)(10)~~ For single family attached dwellings, decks exceeding thirty (30) inches in height may extend to the interior side lot line ~~for interior units~~ and no closer than five (5) fifteen (15) feet to any other lot line.~~the rear property line for both interior and end units.~~

Section 5-400

Home Occupations. Home occupations are permitted within single family detached, duplex, multifamily and townhouse residential dwellings, or tenant dwellings permitted pursuant to Section 5-602, provided they comply with the following restrictions:

- (A) Members of the family residing on the premises are permitted to be engaged in such occupation.
- (B) One employee (one full-time equivalent), other than members of the family residing on premises, shall be permitted to work on site given one additional off-street parking space is provided. Such parking space shall not be located in the required front yard, unless located on an existing driveway.
- (C) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. ~~Not more than 25 percent of the gross floor area of the dwelling unit nor 25 percent of said gross floor area if conducted in an accessory structure, shall be used in the conduct of the home occupation.~~
- (D) There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation other than signage as permitted in Section 5-1200 of this Ordinance.
- (E) There shall be no retail sales, other than items handcrafted on the premises, in connection with such home occupation. Office use to support retail sales off-premises shall be permitted. Not more than 10 percent of the gross floor area of the dwelling unit nor 10 percent of said gross floor area if conducted in an accessory structure, shall be used to store merchandise for retail sales off-premises.
- (F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by off street parking and other than in a required front yard.
- (G) No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Temporary Uses/Zoning Permits. These uses are permitted in all zoning districts, subject to the following.

(A) Construction Related Temporary Uses.

- (1) Construction and Sales Trailers.** Temporary buildings, including but not limited to, construction and sales trailers, and storage of materials are permitted in conjunction with the construction of a building, buildings, subdivision, infrastructure, or development when limited to the duration of the construction. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained. Such temporary buildings shall be removed as a condition of final bond release.
- (2) Temporary Dwelling unit in conjunction with construction of a dwelling.** The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments, is permitted during the construction of a dwelling on the same lot subject to obtaining a zoning permit, to be issued concurrently with or after the issuance of the building permit.
- (3) Sales and leasing.** Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.
- (4) Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively,

or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

(C) Specific Standards for Private Recycling Drop-Off Centers.

- (1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.
- (2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

(D) Specific Standards for Material Recovery Facilities (MRF). All MRF's shall meet the following minimum standards:

- (1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:
 - (a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and
 - (b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
- (2) Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
- (3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.

~~(4) MRF's shall not exceed 45,000 square feet in building area and shall have no more than an average of three (3) outbound truck shipments per material per day.~~

~~(5)~~(4) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times, or shall be baled or palletized. No such storage shall be visible from any adjacent road or other property.

~~(6)(5)~~ MRF sites shall be maintained free of litter, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when unattended.

~~(7)(6)~~ MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.

~~(8)(7)~~ Any containers provided for after hours donation of recyclable materials shall be at least 500 feet from any occupied dwelling unit.

~~(9)(8)~~ If the MRF is open to the public, a minimum of ten (10) vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load as determined by the Zoning Administrator, whichever is higher, shall be required on-site.

~~(10)(9)~~ A minimum of one (1) parking space shall be provided for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.

~~(11)(10)~~ No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.

~~(12)(11)~~ Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5-1505 and 5-1507 respectively.

~~(13)(12)~~ All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.

~~(14)(13)~~ No noxious odors shall be emitted beyond any boundary lines of the facility.

5-608

Flex-Industrial Uses. The following limitations regarding flex-industrial buildings and uses shall apply at a minimum:

(A) No building shall exceed two (2) stories in height.

(B) All buildings shall have a minimum of two (2) loading bays.

(C) All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers

shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

~~(D) At least 50 percent of the total gross floor space in any building shall have a floor load capacity of at least 125 pounds per square live foot load.~~

~~(E)(D)~~ No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.

~~(F)(E)~~ Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and special exception uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.

~~(G)(F)~~ No outdoor storage is permitted.

~~(H)(G)~~ All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-1505.

5-609

Child Care Facilities. Child care homes and centers are permitted provided they comply with the following standards:

(A) Child Care Homes:

- (1) All homes shall be registered with the County pursuant to the County Code.
- (2) When calculating the total number of children cared for, resident children under the age of fourteen (14) shall be included.
- (3) The home shall be the principal residence of the operator of the child care home.
- (4) The home shall comply with any and all requirements of the County and State Codes.
- (5) Unless exempted by (6) below, a minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care home is located and shall be shown on a schematic plat of the lot at the time of issuance of a zoning permit. Such play area shall be fenced, as per Section 5-609(B)(1)(a), unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.
- (6) No play area shall be required on-site when it is demonstrated that the child care home is located within 1,000 feet of an existing park or play space of at least two (2) times the size required for the Child Care Home, providing that such park or play space may be accessed without crossing an arterial or

- (B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets and Countryside Villages. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.
- (C) In districts other than A-10, AR-1, AR-2, A-3, **PD-RV** and PD-CV, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 20 acres or more.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.
- (G) In the AR-1 and AR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres. Additional dwellings may be permitted by special exception for seasonal labor.

5-614 Small Businesses.

(A) Purpose and Intent.

- (1) **General.** The purpose of this section is to allow residents in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, **PD-RV** and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.

- (2) **Allow Local, Small-Scale Businesses to Locate and Operate.** The intent of this Section is to allow local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must

(B) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.

(C) Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5-1507.

5-618

Telecommunications Use And/Or Structures. The following performance standards shall be applied to telecommunication uses and/or structures.

(A) **Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.

(1) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section.

(2) Notwithstanding the height requirements in Section 5-618(A)(1), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company.

(3) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

(4) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.

(5) Directional or panel antennas shall not exceed ~~five (5)~~ten (10) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.

(6) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.

(7) No commercial advertising shall be allowed on any antenna.

(8) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

- (C) **Location on Site/Dimensional Standards.** A commercial winery shall be set back at least 125 feet from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking and Storage Areas.** Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).
- (E) **Roads/Access Standards.**
- (1) **General Access Standards.** A commercial winery shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways to a commercial winery shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Commercial wineries that use heavy equipment shall have direct access to a paved public road.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (H) **Parking.**
- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-626

Agriculture, Horticulture and Animal Husbandry.

- (A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall be located on parcels 53 acres in size or larger.
- (B) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60100 feet from theany property line of an adjoining lots where a residential dwelling existing at the time of construction of the structure is the principal use. This setback shall not apply if a unless such residential dwelling is located more than 60100 feet from the property line adjoining the structure.

Use	Lot Area	Size of Structures (Maximum)
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

- (2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

- (C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	5 7 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

- (D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

- (E) **Road/Access Standards.**

- (1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

Use	Scope of Use/Event	Lot Area Minimum
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

- (3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support <u>use</u> (<u>no</u> direct association <u>uses</u>)	36,000 square feet

- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

- (C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
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Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 80 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 150 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 200 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.
- (4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

- (B) **Site Size.** The minimum lot area for an airport/landing strip shall be ~~8025~~ acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.
- (C) **Structure Size.**
- (1) **Structure Size.** The size of structures necessary to service the use, such as aircraft service buildings, shall not exceed the following gross floor area (total all structures): 15,000 square feet.
- (2) **Storage Yards.** The maximum total area of storage yards for all lots smaller than 25 acres shall be 5,000 square feet. For lots greater than 25 acres, an additional 1,000 square feet shall be allowed for each additional 10 acres, not to exceed a maximum of 20,000 square feet.
- (D) **Location on Site/Dimensional Standards.**
- (1) **Aviation Structures, Storage Yards and Runway or Landing Strip.** All aviation structures, storage yards, and the runway or landing strip, shall be set back from lot lines as follows:
- (a) Structures less than 2,500 square feet of gross floor area: 125 feet minimum from all lot lines.
- (b) Structures greater than 2,500 and up to 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- (c) Structures over 15,000 square feet of gross floor area: 250 feet minimum from all lot lines.
- (d) Runway or landing strip: 650 feet minimum from all lot lines.
- (E) **Landscaping/Buffering/Screening.**
- (1) **Runway Buffer Area.** A buffer area shall be provided extending from the end of all runways or landing strips. The size of the buffer shall encompass a minimum land area equal to a one-quarter mile radius measured from the edge of the end of every runway. No uses shall be allowed within this runway buffer area.
- (2) **Parking.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (3) **Outdoor Services/Activities.** All tanks, storage yards, and vehicles and equipment stored outdoors shall be screened and landscaped consistent with the standards of Section 5-653(C).

- (1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-638 Public Safety Uses (Fire/Rescue Stations, Police Station/Substation). The following standards shall apply to the development of fire/rescue stations and police stations/substations in the AR, TR and JLMA districts.

(A) **Size of Use.**

- (1) **Site Size.** The minimum lot area for any public safety use shall be ~~3~~ two (2) acres.
- (2) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.
- (3) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.
- (4) **Setback from Lot Lines.** Public safety uses shall be set back from lot lines as follows:
- (a) Structures of less than 4,000 square feet of gross floor area: 60 feet minimum from all lot lines.
 - (b) Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (c) Structures greater than 10,000 square feet of gross floor area: 120 feet minimum from all lot lines.

(B) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.

(d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.

(3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision. Establishment of the lots and open space on the site shall comply with the following standards:

(a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS						
District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	35 40 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 40 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 40 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 40 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 40 feet

(i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.

(ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a

1 (3) **Hamlet Green/Square.** Land located in the interior of a rural
2 hamlet, owned in common by hamlet lot owners and which is in
3 a permanent open space easement.

4 (4) **Conservancy Lots.** A lot, excluding the hamlet lots, open space
5 and/or hamlet green/square, which will remain as large parcel(s),
6 the bulk of which is in permanent open space easement and a
7 portion of which is designated a building area.

8 (D) **Permitted Uses.** The following uses are permitted in the various
9 categories of rural hamlet land. These uses shall supersede the permitted
10 or permissible uses that would otherwise apply in the underlying zoning
11 district regulations.

12 (1) **Building Area of Hamlet and Conservancy Lots.**

13 (a) Dwelling, single family detached.

14 (b) Bed and breakfast homestay.

15 (c) Home occupation.

16 (d) Guest house.

17 (e) Water supply systems.

18 (f) Wastewater disposal systems.

19 (g) Accessory uses and structures, as per Section 5-101 of
20 this Ordinance.

21 (h) Dwelling unit, accessory.

22 (2) **Open Space Use.** All areas of the tract of land devoted to the
23 Rural Hamlet Option other than the building areas lots and road
24 rights-of-way, shall be subjected to a permanent open space
25 easement. Such open space may be used for the following uses:

26 (a) Agriculture, horticulture, forestry, and fishery uses
27 including barns, stables and other structures accessory or
28 incidental to such uses.

29 (b) Conservation of open land in its natural state, i.e.,
30 woodland, fallow fields, grasslands, wetlands,
31 floodplains, and the like.

32 (c) Passive open space or passive recreation, including but
33 not limited to trails, picnic areas, community gardens.

34 (d) Active recreation space, including golf courses.

designated as building areas, private access easements, and rights-of-way for roads shall be permanent open space.

(2) **Minimum Open Space Widths Surrounding the Hamlet.**

There shall be a minimum of 200 feet width of land in open space between the outside boundary of hamlet lot building areas and the tract boundary. There shall be a minimum of 800 feet between the hamlet lot building area boundaries of two hamlets on the same tract. Reduction of these dimensions may be permitted by the Board of Supervisors (see 5-702(L)), upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.

(3) **Maximum Hamlet Building Area Depth.** The outside boundaries of the building areas of hamlet lots facing one another across a street shall not exceed 300 feet. The outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square shall not exceed 550 feet.

(I) **Utilities and Public Facilities Requirements.**

(1) **Water.** Hamlet lots shall be served either by:

- (a) Individual wells on or off each lot, or
- (b) A communal water system constructed by the developer, or
- (c) A municipal water system if located within an area designated for such connection in the Comprehensive Plan, or
- (d) Connection with an existing rural village, rural hamlet or other public water system.

All water systems shall comply with applicable town, County, State, and/or LCSA standards and requirements, including a commission permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, shall be a precondition to recordation of a record plat establishing a rural hamlet.

(2) **Wastewater.** Hamlet lots shall be served either by:

- 1 (a) Individual septic tank drainfields located on or off the lot,
2 or
- 3 (b) A communal wastewater treatment system constructed by
4 the developer, or
- 5 (c) A municipal wastewater system, if located within an area
6 designated for such connection in the Comprehensive
7 Plan; or
- 8 (d) Connection with an existing rural village, rural hamlet or
9 other public wastewater treatment system.

10 All wastewater systems shall comply with applicable
11 town, County, State, and LCSA standards and
12 requirements, including a commission permit if required
13 by applicable law.
14

- 15 (3) **Fire Protection.** Every hamlet shall satisfy the fire protection
16 standards set forth in the Facilities Standards Manual, or if no
17 such standards are in effect, shall have all weather access road for
18 a pump truck to an adequate pond with a water withdrawal main
19 or to a water tank of sufficient capacity for fire protection.

- 20 (4) **Roads.** Seven (7) rural hamlet lots or less may be served by a
21 private access easement. Twenty-five (25) rural hamlet lots or
22 less may be served by a VDOT fixed generation, tertiary Class II
23 road. All other roads shall be VDOT Class II roads. All other
24 Rural Hamlet roads shall be built to VDOT secondary road
25 standards. Roads serving two or more hamlets, with a combined
26 traffic loading exceeding 250 vehicles per day, shall generally
27 have two (2) access points to the existing rural road network.

- 28 (a) The Planning Commission may waive the two (2) access
29 requirement upon finding special topographic or other
30 circumstances which preclude implementation, but may in
31 this eventuality require alternative configurations of road
32 design, such as a divided median.

- 33 (b) Further, the Planning Commission may waive the public
34 road standards, thereby allowing up to twenty-five (25)
35 rural hamlet lots to be served by private access easements,
36 should the Planning Commission find that the waiver
37 provisions contained in this section are met. This
38 alternative roadway design option must be requested as
39 part of the subdivision application, and shall not be
40 granted for the sole purpose of circumventing the
41 previously referenced public roadway design criteria. In
42 reviewing any proposed waiver, the Planning
43 Commission shall consider the following:

- (A) **Major Recreational Equipment.** No major recreational equipment or any container constructed for the transportation or storage of such equipment shall be parked or stored on any road, lot, or dedicated open space in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours. No such equipment shall be used for living, sleeping, or housekeeping purposes.
- (B) **Commercial Vehicles.** The parking or storage of a commercial vehicle, or a container constructed for the transportation of cargo is prohibited in all residential districts, except that one (1) commercial vehicle with a manufacturer's rating of less than 1-1/2 tons may be parked on any lot on which there is located a principal building, provided that such vehicle is parked in an enclosed garage, accessory building, approved off-street parking area or behind the nearest portion of buildings to streets and is used by a resident of the premises. This regulation shall not be interpreted to prohibit commercial vehicles or containers from loading and unloading in any residential district.
- (C) **Inoperable Vehicles.**
- (1) No repair, maintenance or restoration of motor vehicles is permitted on any residential lot or common area serving such lot located within any urban residential zoning district, as defined in Article 3 of this Ordinance, unless the vehicle is owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot.
- (2) No inoperable vehicle shall be parked or stored outside a building for more than one (1) week on a lot of less than ten (10) acres in area in any residential district. Not more than one (1) inoperable vehicle may be parked outdoors at a time on any lot greater than ten (10) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law shall be construed as an inoperable vehicle. Not more than one (1) inoperable item of major recreational equipment shall be parked outdoors on any lot of less than ten (10) acres in area in any residential district.

Section 5-900

Access and Setbacks From Specific Roads and the W&OD Trail. Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them. All other provisions of this Ordinance notwithstanding, all buildings and parking, except for agricultural structures and structures located within Village Conservation Overlay Districts and the Joint Land Management Area Districts, shall be set back as provided below, or the setback provided in an approved corridor study whichever setback is greater, from the existing or planned rights-of-way, ~~whichever is greater, including the fillets or connectors between rights-of-way lines at planned or existing intersections and interchanges.~~ Residences, accessory structures, and accessory uses built before June 16, 1993 are exempt from this provision pursuant to Section 1-403(D). The following roads are subject to this provision:

(A) Building and Parking Setbacks From Roads.

(1) Route 7.

(a) Fairfax County line, west to Broad Run. ~~100 feet.~~

(i) Building: 50 feet

(ii) Parking: 50 feet.

(b) Broad Run west to east corporate limit of Leesburg. ~~300 feet.~~

(i) Building: 300 feet.

(ii) Parking: 100 feet.

(c) Route 7 Bypass from the west corporate limit of Leesburg west to Clarke County. ~~200 feet.~~

(i) Building: 200 feet.

(ii) Parking: 100 feet.

~~(d) Route 9 bridge over Route 7 west to Clarke County on business Route 7. 100 feet.~~

(2) Route 267, Dulles Toll Road Extension. 150 Feet.

(a) Building: 150 feet.

(b) Parking: 100 feet.

(3) Route 50. Rt. 659 Relocated west to Fauquier County line. ~~200 ft.~~

(a) Building: 100 feet.

(b) Parking: 75 feet.

(4) **Route 15. ~~200 Feet~~**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(5) **Route 28. ~~200 Feet.~~**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(6) **Route 9. ~~100 Feet.~~**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(7) **Route 287. ~~100 Feet.~~**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(8) **Route 606. ~~100 Feet.~~**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(9) **Other Arterial Roads.**

(a) Building: 100 feet.

(b) Parking: 75 feet.

(10) **Other Major Collector Roads.**

(a) Building: 75 feet.

(b) Parking: 35 feet.

(11) **All other roads in Nonresidential Districts:**

(a) Building: As specified in applicable district regulations.

(b) Parking: 25 feet unless otherwise specified in applicable district regulations.

(12) **All other roads in Residential Districts:**

(a) Building: As specified in applicable district regulations.

(b) Parking: As specified in applicable district regulations.

(13) Ramps at grade separated interchanges associated with the roads listed above.

(a) Building: 75 feet.

(b) Parking: 35 feet.

(12)(14) Modified Building Setback for Shallow Lots. The building setback from a road in this Subsection 5-900(A) is reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any rear buffer or setback, whichever is more restrictive. In no case shall the modified building setback from the road be less than the yard or setback required by the underlying zoning district. In these cases, parking setbacks shall be coterminus with building setbacks. This provision applies to lots as they existed on June 16, 1993, and no lot may be altered or reconfigured to increase the degree of its shallowness. All lots created since June 16, 1993 must comply with the unmodified Building Setbacks from Roads.

(15) Modifications to Maintain Streetscape Consistency.
Modifications may be allowed to these setbacks to maintain consistency with adjacent properties by Minor Special Exception.

(B) Building Setback From W&OD Trail. 25 Feet.

(C) Access from major roads. New access points (private or public) to arterial or major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

(C) Parking Lot Setbacks From Roads. 100 feet, landscaped in accordance with the requirements of Section 5-1414(B)(3). Where a lot qualifies for the Modified Building Setback for Shallow Lots in Section 5-900(A), this parking setback shall be reduced to coincide with that modified building setback.

Section 5-1000

Scenic Creek Valley Buffer.

5-1001

Purpose and Intent. The Scenic Creek Valley Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to scenic rivers and ~~major stream areas~~ all waterways draining greater than 640 acres, by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the Comprehensive Plan.

5-1002

Scenic Creek Valley Buffer Established. The following setbacks are established along ~~scenic rivers and major streams~~ all waterways draining greater than 640 acres in areas where the major 100 year floodplain is less than the setbacks provided below.

- (A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.
- (B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoctin Creek.
- (C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.
- (D) The above setbacks may be reduced as follows:
 - (1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the Area Forester as part of a management plan ~~which may not constitute reforestation of an existing area;~~ between the ultimate setback line and the channel scar line; or
 - (2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.
- (E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil

1 and Water Conservation District or other County approved agency is
2 kept continuously in place.

3 **5-1003** **Effect of Buffer.** The construction of buildings, structures, parking lots, or
4 other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited,
5 except as stated herein. Existing buildings and structures within the Scenic
6 Creek Valley Buffer are not considered nonconforming, i.e., they can be added
7 to and, if destroyed by fire or casualty, they can be rebuilt to the same or an
8 equivalent footprint. This buffer or setback area does not regulate uses within
9 the setback area, although the County encourages the growth, through plantings
10 or natural succession, of vegetative and forestal cover within the Scenic Creek
11 Valley Buffer area. Utilities may be located within the buffer.

12 **5-1004** **Existing Lot Criteria.** On any existing lot of record ~~as of June 16, 1993-at the~~
13 ~~time of the adoption of this Ordinance or any parent tract (or lot) designated on~~
14 ~~any future subdivision plat~~, one (1) single family residence and its attendant
15 unpaved driveway, unpaved parking area, and/or detached garage and incidental
16 structures cited in Section 4-1500 shall be permitted within the setback area.

17 **5-1005** **Development Criteria.** The Scenic Creek Valley Buffer is not intended to, and
18 shall not, limit development density (gross floor area or units per acre) otherwise
19 allowed on land within the Scenic Creek Valley Buffer area. The Scenic Creek
20 Valley Buffer shall be administered like any other setback provided for in this
21 Ordinance in allowing otherwise developable land within the setback area to be
22 counted for density computation purposes and applied toward the construction
23 of improvements outside the setback area. Road crossings and driveways, shall
24 be permitted subject to applicable federal and state regulations, to this
25 Ordinance, and to such performance standards as may be contained in the
26 Facilities Standards Manual.

DIVISION B: Off-Street Parking and Loading

Section 5-1100 Off-Street Parking and Loading Requirements.

5-1101 Compliance Required.

- (A) **General Requirement.** Except as provided elsewhere in this Ordinance, there shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent parking and off-street loading space in the amount specified and pursuant to the requirements of this Section. Parking space may be provided in a garage ~~or~~ and properly surfaced open area. In residential districts where streets and travelways have been designed pursuant to County and VDOT standards to accommodate on-street parking, such on-street parking can be used to meet the requirements of this section for up to one parking space per dwelling.
- (B) **Application to Addition or Change in Use.** When a change in intensity of use of any building or structure would increase the required parking by ten (10) or more spaces or ten (10) percent, whichever is greater, cumulatively from the date of this Ordinance, through an addition or change in the number of dwelling units, gross floor area, gross leasable area, seating capacity, or other units of measurements specified herein, the increment of additional required parking shall be provided in accordance with this Section unless an adjustment is a special exception permitted per subparagraph 5-1102(F) below. is granted by the Board of Supervisors in accordance with Section 6-1300. If fewer than ten (10) spaces or ten (10) percent, whichever is greater, are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the County of Loudoun Comprehensive Plan.
- (C) **Review of Parking and Loading Facilities Plan.** ~~Certification of Minimum Parking Requirements.~~ Each application for a subdivision, site plan, zoning permit, or certificate of occupancy ~~submitted to the Zoning Administrator~~ shall include information as to the location and dimensions of parking and loading space; and the means of ingress and egress to such spaces. This information shall be in sufficient detail to determine if the requirements of this Ordinance are met and shall contain such information as is required by applicable provisions of the Land Subdivision and Development Ordinance.
- (D) **Procedures for Reduction of Parking.** No existing parking or loading space, and no parking or loading space hereafter provided, which meets all or part of the requirements for parking or loading space set forth in these regulations, shall be reduced or eliminated. ~~so as to create a~~

~~parking and loading space not meeting the criteria contained herein.~~
Reductions in parking and loading spaces may be permitted ~~by the~~
~~Zoning Administrator~~ where spaces are no longer required by these
regulations or alternative spaces meeting the requirements of these
regulations are provided.

5-1102 Number of Parking and Loading Spaces Required.

(A) Standards for Computation.

- (1) **Floor Area.** Gross Floor Area, GFA, as used in this section shall be as defined in Article VIII of this Ordinance.
- (2) **Building Capacity.** The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code adopted by the County of Loudoun.
- (3) **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking or loading space.
- (4) **Commercial Vehicles.** In addition to the requirements in the tables below, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with permitted and special exception uses, and which is to be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

(B) For the purposes of this Article only, and for calculating parking and loading requirements hereunder, uses are grouped as follows:

(1) Residential Uses.

- (a) **Single Family Dwellings**, detached houses and duplexes, townhouses and other single family attached dwelling units.
- (b) **Multi Family Dwellings**, includes condominium and apartment buildings where common vehicular entrances, parking areas etc., are provided for more than one unit.
- (c) **Elderly Housing**, any multifamily building that is occupied not less than 90% by persons 60 years of age or older.

- (d) **Accessory Dwelling Units**, associated with any other use, including living quarters for each caretaker, watch keeper, servant and tenant.
- (e) **Sleeping Rooms**, including boarding, lodging, and bed and breakfast homestays, rectories and convents which are rented or used on an individual basis by non-family members.
- (f) **Commercial Lodgings**, including hotels, motels, motorlodges and motor courts.
- (g) **Congregate, Continuing Care ~~Convalescent~~ & Nursing Homes**, where unrelated persons reside under supervision for special care, treatment, training or other purposes, on a temporary or permanent basis.
- (h) **Day ~~Child~~ Care Centers**, where unrelated persons are cared for during limited periods each day in a supervised facility.

(2) **Retail/Service Uses.**

- (a) **General Retail**, including antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin and stamp, crafts/needlework, discount/mass merchandising, drapery/curtain/window coverings, dry goods, fabrics and sewing accessories, floor coverings, furriers and fur apparel, gifts/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/ suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (no greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, toys, and other such retail uses as determined by the Zoning Administrator.
- (b) **Convenience Retail**, including bakeries and confectioneries (non-manufacturing), butchers/meatshops, dairy products, eggs and poultry, fish and seafood, fruit and vegetables, frozen desserts (without tables), grocery/supermarkets, liquor, laundry/dry cleaning (pickup station only), pharmacy/drug, not to exceed 10,000 sq. ft. GFA each.
- (c) **Service Retail**, including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, film/video rentals, printing/ copy,

- (7) **Materials Supply and Construction Uses**, including all uses defined in the permitted and special exception use tables.
- (8) **Communication and Private Utility Uses**, including all uses defined in the permitted and special exception use tables.
- (9) **Governmental Uses**, including all uses defined in the permitted and special exception use tables.
- (10) **Educational Uses**, including all uses defined in the permitted and special exception use tables.
- (11) **Cultural, Recreational, and Entertainment.**
- (a) **Public Assembly**, including art galleries, auditoriums, community and recreation centers, libraries, museums, movie and drama theatres, stadiums and arenas, outdoor theatres/festival/drama, stadiums and arenas, funeral homes, mortuaries, crematoria, civic/social/fraternal association meeting places and mausoleums.
- (b) **Public Recreation**, including bowling alleys, gymnasiums, health clubs, roller and ice skating, tennis, racquetball, swimming and other recreational facilities.
- (c) **Places of Worship, including churches, synagogues, temples.**
- (12) **Miscellaneous Uses.**
- ~~(a)Public Assembly, including churches, synagogues, temples, funeral homes, mortuaries, crematoria, civic/social/ fraternal association meeting places.~~
- ~~(b)(13) Hospitals, including sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities.~~

(C) **Additional Rules for Computing Parking Requirements.**

- (1) **Uses Not Listed.** The Zoning Administrator shall have the right to determine the required parking and loading facilities for uses not specifically listed in the tables herein, ~~based upon the most similar use(s) that are listed and the most recent editions of the ITE Trip Generation Manual.~~ Such determination by the Zoning Administrator shall be in writing and shall be appealable to the Board of Zoning Appeals.
- (2) **Uses listed but not shown as permitted or permissible within this ordinance.** The categories of uses set forth in Section 5-1102 are intended to be descriptive of various types of activities, but shall not be construed to allow any uses not specifically

enumerated in the schedules of permitted or special exception uses for each zoning district.

- (3) **Accessory Uses.** Storage, stock, kitchen, office and other areas accessory to the principle use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise herein.
- (4) **Alterations, Expansions and Changes in Use.** For alterations, expansions, or changes in use, prior to the issuance of a zoning or occupancy permit, the Zoning Administrator shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.

(D) **Parking and Loading Requirements by Use.** The computation of the minimum off-street parking and loading requirements for each permitted use shall be based upon the standards in the following tables, subject to the adjustments and/or minimums required or allowed in this section.

(E) Such parking and loading regulations shall apply only to new construction or expansion of an existing use. In the case of an expansion of an existing use, only the expansion shall be required to meet these regulations. The existing use and parking areas shall be deemed to be exempt from said regulations.

Table 5-1101		
Use	Parking Spaces Required	Loading Spaces Required
<u>Residential</u>		
Single Family <u>Detached</u> Dwelling Unit	2/dwelling unit in agricultural districts; <u>2.53.0</u> /dwelling unit in all other districts. Garage and driveway parking spaces count towards required spaces. <u>Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.</u>	None

Use	Table 5-1101 Parking Spaces Required	Loading Spaces Required
<u>Single Family Attached Dwelling Unit</u>	<u>3.0/dwelling unit in all districts. Garage and driveway parking spaces count towards required spaces, except that at least .5 spaces/unit will be accommodated by off lot parking spaces. Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.</u>	<u>None</u>
Multi/Family Dwelling Unit		
Studio	1.25/dwelling unit	None
1 bedroom	1.5/dwelling unit	None
2 or 3 bedrooms	2/dwelling unit	None
4 or more bedrooms	2.5/dwelling unit	None
Active Adult/Age Restricted Dwelling Unit	1.75/dwelling unit for buildings 4 stories or less in height	None
	1.25/dwelling unit for buildings 4 stories or more in height	
Elderly Housing/Independent Living Unit	.25/Independent living unit	None
Accessory Dwelling Unit	1/accessory apartment or dwelling unit	None
Sleeping Rooms	1/unit or room plus	None
	2 for owners/managers	
Commercial Lodgings	2 for owners/managers plus 1/sleeping room or unit plus any spaces required for restaurant/restaurant/banquet and meeting rooms	As required for restaurant/lounge and meeting rooms; minimum one for lodgings with 50 or more rooms.
Congregate, Continuing Care & Congregate Housing <u>Facilities Nursing Homes</u>	.33 .25/resident plus	One
	1.5/day shift employee	
Child Care Facilities	.2/person in licensed capacity plus one per employee not residing on the premises	None
<u>Retail/Service</u>		
General and Convenience Retail	4/1,000 sq ft of GFA; minimum of 4 spaces per establishment	None for the first 10,000 sq. ft. then one/30,000 sq.ft. up to 70,000 sq. ft. plus one/ 80,000 sq. ft. thereafter

Use	Table 5-1101 Parking Spaces Required	Loading Spaces Required
Wayside Stands/Christmas Tree Stands	Any parking provided shall be on-site	None
Nurseries/ Farm Markets	Minimum of 10 spaces shall be provided for the first five acres of outdoor sales area with one additional space for each ten acres over five acres. Off-site parking is prohibited.	
Bed and Breakfast Homestay	2.5/dwelling unit 1/guest room	None
Bed and Breakfast Inn	2.5/dwelling unit 1/guest room 1/employee	None
Country Inn	1/guest room 15/1,000 sq. ft. of GFA for restaurants & kitchen area only	None
Service Retail	2.5/1,000 sq ft of GFA; minimum of 3 spaces per establishment	Same as general retail
Hard Goods Retail	3.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 feet of interior storage and/or exterior display/sales area; minimum of 4 spaces per establishment	Same as general retail
<u>Shopping Centers</u>		
Smaller Shopping Centers (Small strip-type centers)	46 /1,000 sq. ft. of GFA for centers with up to 1030 30,000 sq. ft.	1/50,000 sq. ft. up to 100,000 sq. ft. plus
	<u>5/1,000 sq. ft. of GFA for centers between 30,000 sq. ft. and 60,000 sq. ft.</u>	1/100,000 sq. ft. up to 500,000 sq. ft. plus 1/200,000 sq. ft. thereafter
Larger Integrated Shopping Centers (Non-enclosed centers) Shopping Centers (Mall-type centers)	4/1,000 sq. ft. of GFA for centers over 1060 0,000 sq. ft.	
	3.5/1,000 sq. ft. of GFA for centers with up to 400,000 sq. ft.	
	3.8/1,000 sq. ft. of GFA for centers with 400,000 to 600,000 sq. ft.	
	4.25/1,000 sq. ft. of GFA for centers with over 600,000 sq. ft.	
Personal Care Services	21 /treatment station but not less than 1/1,000 sq. ft. GFA	None
Coin Operated Laundries	1 space/ 2 machines	None

Use	Table 5-1101 Parking Spaces Required	Loading Spaces Required
Other Retail/Service Uses	As determined by the Zoning Administrator	Same as general retail
Temporary Retail	As determined by the Zoning Administrator	None
Motor Vehicle Sales & Service	2.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 sq ft of external display (but not including stock areas not open to the public) plus 3/service bay	Same as industrial
<u>Food and Beverage</u>		
Restaurant	2015 /1,000 sq. ft. of GFA minimum of 1 space	1/40,000 sq ft of GFA;
Fast Food	20/1,000 sq. ft. of GFA kitchen, counter and waiting areas plus 0.5/seat provided	With indoor seating area, one; with no seating area; none
<u>Office and Business Services</u>		
General Offices and Medical Offices	4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. of GFA thereafter	None for the first 30,000 sq ft then one/100,000 sq ft thereafter
Financial Institutions	2.5/1,000 sq. ft. of GFA; stacking space for drive-through windows to be determined by Zoning Administrator	None for the first 10,000 sq ft GFA then one/50,000 sq ft up to 10,000 sq ft plus one/10,000 sq ft thereafter
Medical Offices	6.0/1,000 sq. ft. of GFA for the first 5,000 sq. ft. plus 3.5/1,000 sq. ft. GFA thereafter	None for the first 5,000 sq ft then one for each 100,000 sq ft of GFA thereafter
<u>Industrial/Manufacturing</u>	2/1,000 sq. ft. of GFA plus any required spaces for office, sales or similar space	1/25,000 sq ft GFA up to 500,000 sq ft plus one for the next 50,000 sq ft plus one/ 100,000 sq ft thereafter
<u>Storage/Processing/Wholesaling</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	One the first 50,000 sq ft GFA plus one space/100,000 sq ft thereafter
Mini Warehouse, <u>multi story or single entrance</u>	Three spaces at the office plus 1 space/ 25 storage units per employee.	None
Vehicle Wholesale Auction	1/3 employees 1/60 vehicle storage space	1/25,000 sq. ft. of GFA

Use	Table 5-1101 Parking Spaces Required	Loading Spaces Required
<u>Materials Supply and Construction</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq ft plus one/100,000 sq ft thereafter.
<u>Communication and Private Utility</u>	1/1.5 employees on the major shift.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq. ft. plus one/100,000 sq. ft. thereafter.
<u>Governmental</u>	4/1,000 sq. ft. of G.F.A. administrative offices; other as determined by Zoning Administrator	As determined by Zoning Administrator
<u>Educational</u>	1/Classroom and other room used by students plus .2/student over driving age	1/100,000 sq.ft.GFA
<u>Cultural/Recreational/ Entertainment</u>		
Public Assembly	.25/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Public Recreation	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
Private Club or Lodge	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq.ft. GFA
<u>Miscellaneous</u>		
<u>Places of Worship</u>	.25/person in permitted capacity	1/100,000 sq ft GFA
<u>Public Assembly</u>		
<u>Miscellaneous</u>		
<u>Hospitals</u>	1.5/employee on main shift; plus 1/doctor on staff; plus 1/2 beds for in-patient services; plus 1.5/250 square feet for out patient services	1/100,000 sq ft GFA up to 500,000 sq ft plus one/200,000 sq ft. thereafter.

(F) **Adjustments to Parking Requirements.**

- (1) **Procedure.** In the specific instances set forth in Paragraphs 2 through 5 below, the Zoning Administrator Board of Supervisors may ~~by special exception~~ approve a reduction in required parking spaces. Applications for such a reduction shall include the following information and in the case of special exception shall also meet the in addition to those requirements of Section 6-1300.

- (a) A parking demand analysis which substantiates the need for a reduced number of spaces.
- (b) A plan showing how the parking spaces shall be provided on the site.
- (c) A covenant must be executed for a period of 20 years, guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Board of Zoning Appeals that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 5-1103. The Zoning Administrator will review the above completed application and make a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals may impose such additional conditions as are deemed necessary to protect and to assure compliance with the objectives of this section.

(2) **Shared Parking and Loading Facilities.** In the case of mixed uses (not qualifying as accessory or complementary uses) or two or more buildings upon a single lot or unified parcel or upon contiguous parcels, the total requirements for parking and loading facilities shall be the sum of the requirements of the various uses computed separately. However, cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined by the Zoning Administrator that the peak requirement of the several occupancies occurs at different times (either daily or seasonally), and the parking demand can be provided on the premises.

(3) **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet.

(4) **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing under-utilized public parking spaces in both off-street public parking lots and/or on-street public parking spaces, and where the applicant adequately demonstrates that such availability will continue in the future.

(5) **Alternative Transportation Reductions.**

- (a) **Transit.** A reduction of up to 20% of the required parking may be granted for any use, building or complex within 1,000 feet of any regularly scheduled bus stop, equal to the substantiated and verifiable projections of use of public transportation by users of the building or complex.
- (b) **Carpooling/Vanpooling.** A reduction of up to 20% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a carpooling/vanpooling program.
- (c) **Shuttle Service.** A reduction of up to 10% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex that provides and maintains a regular shuttle service.
- (d) **Maximum Reduction.** A combination of the reductions allowed pursuant to (a), (b), and (c) above may be granted provided that the total reduction of required parking does not exceed 35%.

(6) Any person who can present circumstances to justify a reduction in parking may apply for a special exception to the Board of Supervisors. Applications for such a reduction shall include the information required by Section 5-1102(F) above and shall also meet the requirements of Section 6-1300.

5-1103 General Location Requirements.

- (A) **Parking Facilities.** All parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located.
- (B) **Loading Spaces.** All required loading spaces shall be located on the same lot or parcel as the uses being served.
- (C) **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. A certified true copy of the

Table 5-1204(D)
Sign Requirements Matrix

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
				Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure					
(1) RESIDENTIAL/AGRICULTURE SIGNS													
(a) PD-H and PD-AAAR Entrance Signs		2/ vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only; signs shall contain no advertising. Minimum 1000 FT between signs on same side of road or at intersection; signs shall contain no advertising.
(b) PD-H –Community Directional Signs - On-site or Off-site (within boundaries of approved PD-H district)	20 SF		20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Minimum 1000 FT between signs on same side of road or at intersection; signs shall contain no advertising.
(c) Non PD-H Residential Communities – Entrance Signs	40 SF	4/-community 1/ vehicular entrance	40 40 SF			4 2	40 80 SF	5 FT	None	10 FT	Ground Mounted	5 FT	One sided only; signs shall contain no advertising.
(d) HOA Activity Signs	20 SF	1/development of 2500 or fewer dwellings – 2/developments of over 2500 dwellings	20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Signs shall be separated by a minimum half-mile radius, signs shall contain no advertising.
(e) Farm Signs	40 SF	2/Farm	20 SF						None	5 FT 0 FT	Freestanding As Permitted in Section 5- 1202(A)(3)	8 FT	
(f) Wayside Stands, Including Christmas Tree Sales, Vineyards, Wineries		6, includes up to 3 on-site signs and up to 4 off- site directional signs	12SF on-site 4SF off-site One on-site sign at 20 SF if setback ≥ 40 FT from the fronting ROW						None	5 FT	Freestanding Building Mounted	8 FT	Displayed when agricultural produce and livestock are available for sale on farm involved and shall be removed within 48 hours after sale is concluded. Off-site signs require written permission of the owner of the land on which it is displayed.

(1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.

(2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch diameter at breast height (d.b.h., measured at 4 and ½ feet above ground level) dba, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.

(B) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section, may ~~and should~~ be used as required planting.

(C) ~~In addition to the standards set forth in this Section, the~~ The Board of Supervisors or the Board of Zoning Appeals may ~~modify the require more stringent~~ requirements of this Section as part of an approval action of a special exception, variance, or as part of proffered conditions. In such event, the requirements of such approval shall govern.

(D) ~~Any~~ All landscaping required by this Section that would fall within the area of a recorded sight distance easement granted to the County of Loudoun or the Commonwealth of Virginia shall be eliminated or reduced to meet the standards of such sight distance easement permit site distances consistent with all current code requirements of Loudoun County and VDOT. This plant material must be located elsewhere on site in areas that provide room for viable plant growth.

(E) Except where a Type 5 Buffer is required, any property with frontage on an existing or planned four-lane divided roadway shall provide, in lieu of otherwise applicable landscaping, buffering and tree planting along such roads, a Type 3 Front Yard Buffer along the property's frontage on such road, regardless of the present or planned future use on properties on the other side of such road.

- (A) Except as permitted by the provisions of Section 5-14305 below, a landscaping plan meeting the requirements of the Facilities Standards Manual, including a parking lot landscape and screening plan, shall be submitted as part of every final site plan required by the provisions of Section 6-701.
- (B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.
- (C) The landscaping ~~measures, as~~ required by this Section and depicted on such landscaping shall be shown on such initial plan ~~and~~ shall be completed or bonded in accordance with current County ~~requirements policy according to specifications~~ prior to approval of any Certificate of Occupancy.

5-1405 Buffer Yards and Screening, General Provisions.

- (A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1406, 5-1407 and 5-1408 below.
- (B) Buffer yards and screening shall be provided ~~within the zoning district and~~ on the lot whose use is indicated in the left column of the matrix where it is contiguous to or across the street from land used or zoned for uses indicated across the top of the matrix, except as provided for in Section 5-1403(E) above.
- (C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.
- (D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.

1 (E) In those instances where a proposed use and/or an existing use
2 on the abutting property is not listed in the matrix, the Zoning
3 Administrator, using the matrix as a guide, shall determine to
4 what extent buffering and screening shall be provided.

5 (F) In addition to the standards set forth ~~in~~ herein for a particular
6 use, all uses allowed by special exception, or variance in a
7 given district, shall be required to provide buffer yards as
8 determined by the BZA or Board of Supervisors, as the case
9 may be, using the matrix as a guide. In such event, the
10 requirements of such special exception, variance, or proffered
11 rezoning shall govern over the requirements of this Section.

12 **5-1406**

Determination of Buffer Yard Requirements. To determine the
13 type of buffer yard required between two (2) adjacent parcels or
14 ~~parcels separated by public streets-between a parcel and a use across the~~
15 ~~street~~, refer to the buffer yard and screening matrix, and identify the
16 buffer yard required pursuant to one of the following procedures:

17 (A) **Proposed development adjacent to an improved property**
18 **that is a pre-existing use, ~~which existed prior to the~~**
19 **~~effective date of this Ordinance.~~**

20 (1) If the proposed use is in the same land use category or
21 is a more intensive than the pre-existing use, the
22 proposed use must provide the buffer yard type as
23 required by the Buffer Yard and Screening Matrix.

24 (2) If the proposed use is less intensive than the ~~pre-~~
25 existing use, the proposed use must provide the buffer
26 yard type that would have been provided by the existing
27 more intensive use as if it were subject to the
28 requirements herein.

29 (3) The Zoning Administrator may waive reduce and/or
30 modify the requirement if it presents a substantial
31 hardship or is considered unnecessary as identified in
32 Section 5-1409.

33 (B) **Proposed development adjacent to a use developed**
34 **subsequent to January 7, 2003 ~~the effective date of this~~**
35 **~~Ordinance.~~** The proposed use must install plant units in order
36 to bring the total buffer yard required between the two uses
37 into conformance with the Buffer Yard and Screening Matrix.

38 (C) **Proposed Development Adjacent to a Vacant Property. ~~To~~**
39 **~~determine t~~**The buffer yard type for a proposed development
40 which will be constructed adjacent to vacant land, shall be

1 | ~~based the Zoning Administrator must first make a~~
2 | ~~determination~~ on the probable future use of the adjacent vacant
3 | land, using the Comprehensive Plan, Zoning Ordinance and
4 | Zoning District Map.

5 | (1) If the proposed use is more intensive than the probable
6 | future use of adjacent vacant land, ~~as determined by the~~
7 | ~~Zoning Administrator~~, then the proposed use must
8 | provide a buffer as required by the Buffer Yard and
9 | Screening Matrix.

10 | (2) If the subsequent use of the adjacent vacant land is
11 | more intensive than the probable use ~~determined by the~~
12 | ~~Zoning Administrator~~, and the subsequent use is
13 | required to provide a buffer prescribed in the Buffer
14 | Yard and Screening Matrix, the buffer yard installed by
15 | the first use may be taken into consideration ~~by the~~
16 | ~~Zoning Administrator~~ in considering a reduction of
17 | required buffer.

18 | (3) If the subsequent use of the adjacent vacant land is less
19 | intensive than the probable use ~~determined by the~~
20 | ~~Zoning Administrator~~, the subsequent use must install
21 | the difference between the plant units installed by the
22 | pre-existing adjacent use and the number of plant units
23 | required by the Buffer Yard and Screening Matrix.

24 | (4) If the proposed use is less intensive than the probable
25 | future use of the vacant land, ~~as determined by the~~
26 | ~~Zoning Administrator~~, no buffer yard shall be required
27 | of the proposed use.

28 | (D) **Contractual Reduction of Buffer Yard Abutting Vacant**
29 | **Land.** When a land use is proposed adjacent to vacant land,
30 | the owners of both parcels may enter into a contractual
31 | relationship to provide for a buffer yard equivalent to the buffer
32 | yard which shall ultimately be required. Such a contract shall
33 | include:

34 | (1) A statement by the owner of the vacant land of an intent
35 | to develop at no greater than a specified land use
36 | category consistent with reduced buffer yards.

37 | (2) An agreement that the owner of the vacant land
38 | assumes all responsibility for additional buffer yards
39 | required by the development of his parcel with a more
40 | intense use than had been agreed upon.

- 1 (3) The contract shall be in the form of a covenant or deed
2 restriction, recorded in the Office of the Clerk of the
3 Circuit Court of Loudoun County, Virginia, which shall
4 run with the land.

5 (E) **Special Situations.**

- 6 (1) When the adjacent land is used for a wayside stand or
7 other temporary use, the buffer yard type shall be
8 determined as if the adjacent property were vacant as
9 provided in Section 5-1406(C).
- 10 (2) If any property adjoins any existing or planned arterial
11 road, except in the A-3, A-10, AR-1, ~~or AR-2 or~~
12 Village Conservation Overlay districts or where the
13 Buffer Yard Type 5 is required by this Section, the
14 required buffer yard shall be in accordance with Buffer
15 Yard Type 3, ~~however, such buffer yard landscaping~~
16 ~~shall be supplemented by a landscaped earthen berm at~~
17 ~~least four (4) feet in height and not to exceed a slope of~~
18 ~~2:1.~~ This requirement may be waived, modified, and/or
19 reduced, ~~or the location of the required berm~~ may be
20 adjusted by the Zoning Administrator, where necessary
21 to preserve existing mature trees. No buffer yard shall
22 be required for the A-3 and A-10 districts where such
23 property adjoins any existing or planned arterial road.
- 24 (3) If any adjoining property is located within a zoned
25 municipality, the applicant shall provide information
26 regarding Zoning Administrator shall investigate the
27 applicable municipal zoning district regulations
28 governing such adjoining property, so that the Zoning
29 Administrator may and shall determine which usedistriet
30 established by this Ordinance is most equivalent.
31 Requirements for buffer yards shall then be the same as
32 if the adjoining property were zoned in the equivalent
33 County zoning district.

- 34 ~~(3)(4)~~ Notwithstanding the buffering and screening
35 requirements of Sections 5-1414(A) and 5-900(C) - for
36 any property that adjoins Route 50 between the Fairfax
37 County line and Lenah Farm Lane on the north side and
38 Lenah Road on the south side, the required buffer yard
39 adjacent to Route 50 shall be in accordance with Buffer
40 Yard Type 5.

41 **5-1407 Buffer Yard and Screening Requirements.**

(A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.

(1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.

(2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 5-1413 "Parking Lot Landscaping and Screening Requirements" shall prevail.

(B) **Buffer/Screening Requirements in Buffer Yards.**

(1) Buffer yard requirements are stated in Section 5-1414(B).

(2) Those plant materials identified in Section 5-1414(C) or their equivalents shall satisfy the requirements of this Section.

(3) Whenever a wall, fence, and/or berm is required within a buffer yard, they shall be provided in addition to the plant units required.

5-1408

Use of Buffer Yards. A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) ~~the elimination of plant materials is minimized~~ minimal plant materials are eliminated, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Vehicular entrances may cross a buffer yard. Signs, pursuant to Section 5-1200, may be located in the buffer yards.

5-1409

Buffer Yard Waivers and Modifications. Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

(A) Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/ or modified by the Zoning Administrator, upon showing that the building and/or the yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.

(B) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.

(C) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for single family attached dwelling units where a six (6) foot permanent fence has been provided to enclose a privacy yard (for rear yards and side yards) and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.

(D) The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

(E) Buffer Yard Exceptions. When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning Administrator may waive, reduce, and/or modify the buffer requirements provided the intent of these regulations are preserved.

(F) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for side and rear yards where lots zoned MR-HI, GB, PD-IP, PD-GI, PD-OP, PD-RDP ~~MR-HI~~ or CLI abut, upon finding that such waiver, reduction and/or modification is designed to complement proposed development of existing or proposed uses. ~~In any case, a screen wall of a minimum six (6) foot in height or buffer yard shall be~~

~~constructed where such side or rear yard is visible from the public right of way.~~

(G) The Zoning Administrator may waive, reduce and/or modify buffer requirements for a telecommunications monopole which is co-located on a facility which is owned or controlled by a public use or fire and/or rescue company, or in areas planned or zoned for employment and industrial uses where such use is permitted by right, provided the site is architecturally designed and coordinated with landscape techniques to minimize adverse impacts to adjacent properties.

(H) The Zoning Administrator, upon recommendation by the Loudoun County Sheriff's office with respect to public uses, or to meet requirements of the United States Government or agencies thereof relating to security or homeland defense, may waive, reduce or modify the screening requirements ~~for any school use,~~ upon finding that the screening requirements ~~obstruct visibility and~~ create a security concern.

(I) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

5-1410 Maintenance.

(A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.

(B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

(C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5-1411 Bond/Cash Deposit Requirements. In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

1 **5-1412** **Appeals.** Any person aggrieved by a decision of the Zoning
2 Administrator may appeal such decision in accordance with the
3 provisions of Section 6-1700.

4 **5-1413** **Parking Lot Landscaping and Screening Requirements.**

5 (A) General. Parking lot landscape and screening plan shall
6 comply with the ~~general~~ standards in Section 5-1403 and 5-
7 1404.

8 (1) Existing vegetation which is suitable for use in
9 compliance with the requirements of this Section when
10 supplemented so as to provide planting and screening in
11 accordance with the purpose and intent of this Section,
12 may ~~and should~~ be used as required planting.
13 Additionally, vegetation which fulfills the requirements
14 set forth herein for exterior parking lot screening may
15 also be counted toward fulfilling the requirements for
16 buffer yards set forth in other sections of these
17 regulations.

18 (2) When non-residential parking lots, travelways, alleys,
19 loading spaces and like uses adjoin land zoned or
20 planned for residential use, there shall be an opaque
21 barrier constructed to provide a separation between the
22 two uses. This can be achieved by a solid type fence no
23 less than six (6) feet in height, or with densely planted
24 shrubs and berms to provide a visual barrier. Berms
25 shall not exceed a slope of 2:1.

26 (B) **Interior Parking Lot Landscaping.**

27 (1) Any parking lot, excepting single bay parking lots of
28 twenty (20) spaces or less, shall be provided with
29 landscaped open space along the perimeter of the
30 parking area or areas, in the minimum rate of one (1)
31 canopy tree per ten (10) spaces which shall be so
32 located that no parking space is more than eighty (80)
33 feet from a portion of the landscaped open space or
34 parking island more than eighty (80) feet from a canopy
35 tree. Landscaped areas between parking areas and
36 buildings shall not be considered as ~~parking lot~~~~interior~~
37 landscaping.

38 (2) The primary landscaping materials used in parking lots
39 shall be canopy trees. Where possible, grouping of
40 such trees is encouraged. Shrubs and other live

planting materials may be used to complement the tree landscaping, and shall count towards the required landscaping.

(3) The landscaping areas shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of six (6) feet ~~measured from back of curb.~~ There shall be a minimum six (6) foot wide ~~(back of curb to back of curb) curbed~~ landscape island at the end of every row of parking - equal in length to the adjoining parking space.

(4) There shall be a minimum of one (1) canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.

(5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein; ~~in any case a landscaped island shall be protected with a six (6) inch minimum curb.~~

(6) Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with Section 5-1406 and 5-1407.

(C) **Peripheral Parking Lot Landscaping.** Except where parking areas adjoin a buffer yard required by this Ordinance, if any parking lot contains ~~twenty(20) ten (10)~~ or more spaces, peripheral parking lot landscaping shall be required as follows:

(1) **When the property line abuts land other than street right-of-way.**

(a) ~~Except where otherwise stated in this Ordinance, a~~ landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment. Where abutting parcels share a common access drive or parking lot circulation travelway, no such landscaping strip shall be required, provided that equivalent planting

materials are provided elsewhere on the development site.

(b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 2:1.

(c) All service areas shall be screened from view through the use of evergreen plant materials and screen walls, compatible with the building design. Service area screen walls, solid fences or fences- shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum -height of six (6) feet and totally screen at least 75% of any one wall surface (exclusive of gates).

(d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided, but such plantings shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.

(e) Peripheral plantings shall include six (6) shrubs per forty (40) linear feet of abutting land, and one of, or a combination of the following, which need not necessarily be installed on center:

(i) One understory tree per fifteen (15) linear feet;

(ii) One canopy tree per thirty-five (35) linear feet.

(2) **Where the property line abuts the street right-of-way.**

(a) ~~Except where otherwise stated in this Ordinance, a~~ landscaping strip ten (10) feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line.

1 **5-1414 Buffer Yard and Screening Matrix**

2 (A) See Table 5-1414(A) below. Note: Also, please see Section 5-
 3 1406(E), Special Situations, which requires a specific Buffer
 4 Yard Type in certain situations.

Table 5-1414(A)														
PROPOSED LAND USE GROUPS		ADJACENT LAND USE GROUPS												
		1	2	3	4	5	6	7	8	9	10	11	12	13
Group 1	Dwelling, Single Family Detached	N/A												
Group 1	Dwelling, Single Family Detached	N/A	1	1	2	2	2	3	3	4	4	3	4	2
Group 2	Dwelling, Single Family Attached	1	+N/A	1	2	2	2	3	3	4	4	43	4	2
Group 3	Dwelling, Multi-Family Congregate Housing Facility Continuing Care Facility Orphanage or other similar institutions	1	1	+N/A	21	21	21	31	32	4	4	43	4	2
Group 4	Day Care Center Church, Chapel Nursery School Elementary School	2	2	21	2N/A	21	21	32	32	43	4	43	4	2
Group 5	Middle and High School Community & Recreation Center, and Library Auditorium, Performing Arts Center and Assembly Hall, and Theater (indoor) Municipal and Governmental Building and Structure Fire, Police, and Rescue Station Medical Care Facility Hospital	2	2	21	21	2N/A	21	31	32	43	4	43	4	N/A
Group 6	Financial Institution Office Business Service Establishment Retail Sales Establishment Health & Fitness Center Funeral Home, Mortuary, Crematory Personal Service Establishment	2	2	21	21	21	N/A	N/A	N/A	3	4	42	4	N/A
Group 7	Restaurant	3	3	31	32	31	N/A	N/A	N/A	3	4	4N/A	4	N/A

	Hotel/ and Motel													
Group 8	Drive-in Bank Facility Fast Food Restaurant Drive Through Restaurant Auto Service Station Car Wash Mobile Home Sales and Service Motor Vehicle Sales and Service Parking Lot/Valet Service <u>Flex Industrial</u> <u>Warehousing & Storage Facility</u>	3	3	<u>32</u>	<u>32</u>	<u>32</u>	<u>2N/ A</u>	N/A	N/A	N/A	<u>42</u>	<u>42</u>	4	N/A
Group 9	Utility Transmission Facility Public Utility Service Center, Storage Yard Telecommunication Facility Radio & Television Broadcasting Station, including Recording Studio Municipal or Governmental Storage Yards & Related Facility Water Treatment and Distribution Facility Kennel, outdoor	4	4	4	<u>43</u>	<u>43</u>	<u>43</u>	<u>43</u>	N/A	N/A	<u>4N/ A</u>	<u>42</u>	<u>43</u>	N/A
Group 10	Bus, Rail, and Truck Terminal <u>Long Term Vehicle Storage</u> <u>Outdoor Storage, Vehicles</u> <u>Warehousing & Storage Facility</u> Newspaper Offices and Distribution Service Lumber & Building Material Yard and Storage Facility Wholesale Trade Office and Storage Facility Heavy Equipment Sale, Rental, and Service Sand, Gravel, Coal & Earth Sales and Storage Facility Boat Sales, Storage and Service Recycling Center Vehicle Wholesale Auction	4	4	4	4	4	4	4	<u>42</u>	<u>43</u>	<u>4N/ A</u>	<u>4N/ A</u>	<u>42</u>	<u>4N/ A</u>
Group 11	Wholesale Printing Laundry, Cleaning, and Dyeing Plant Facilities for Manufacturing, Processing, Assembly, Packaging, Bottling, and Canning	<u>43</u>	<u>43</u>	<u>43</u>	<u>43</u>	<u>43</u>	<u>42</u>	<u>4N/ A</u>	<u>42</u>	<u>42</u>	<u>4N/ A</u>	<u>4N/ A</u>	<u>43</u>	<u>4N/ A</u>
Group 12	Asphalt or Concrete Mixing Plant	4	4	4	4	4	4	4	4	<u>43</u>	<u>42</u>	<u>43</u>	<u>4N/ A</u>	<u>4N/ A</u>

General Construction Company, including Hauling, Road Paving, Roofing, and Sewer Metal Fabrication Shop Metal Salvage and Open Storage Yard and Operation Agriculture Processing Facility Outdoor Movie Theater Wood Processing Facility or Sawmill Forging Plant Rifle and Pistol Range, outdoor Sewage Treatment Facility Sanitary Landfill Rendering or Tanning Plants Petroleum or Chemical Refining or Production Ship Yards and Boat Manufacture Junk Yard Fuel Sales													
Group 13 Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center	<u>2N/</u> <u>A</u>	<u>2N/</u> <u>A</u>	<u>2N/</u> <u>A</u>	<u>2N/</u> <u>A</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

1

2

(B) Buffer Yard

Table 5-1414(B)					
Required Plantings per 100 Lineal Feet of Property Line					
Buffer Yard Type	Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Other Requirements
(1) Type 1					
Front	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
Side/Rear	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
(2) Type 2					
Front	<u>3</u>	<u>2</u>	<u>10</u>	<u>0</u>	<u>15' minimum width</u> <u>25' maximum width</u>
Side/Rear	<u>2</u>	<u>4</u>	<u>10</u>	<u>2</u>	<u>20' minimum width</u> <u>30' maximum width</u>
(3) Type 3					
Front	<u>3</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
Side/Rear	<u>2</u>	<u>5</u>	<u>10</u>	<u>4</u>	<u>25' minimum width</u> <u>30' maximum width</u>
(4) Type 4					

<u>Front</u>	<u>4</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>8</u>	<u>25' minimum width</u> <u>30' maximum width</u> <u>A Six foot high fence,</u> <u>wall, or berm providing a</u> <u>minimum opacity of 95%</u>

(1)Type-1

FRONT YARD BUFFER WIDTH

10' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

2 Canopy Tree(s)
0 Understory Trees
0 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

10' Minimum

1 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

5' minimum

0 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

(2)Type-2

FRONT YARD BUFFER WIDTH

15' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
2 Understory Trees
10 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

20' Minimum

2 Canopy Tree(s)
6 Understory Trees
10 Shrubs (75% of which must be evergreens)
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

15' minimum

2 Canopy Tree(s)
3 Understory Trees
8 Shrubs
0 Evergreen Trees

(3)Type-3

1
2

	<u>REQUIRED PLANT UNITS PER 100 LINEAL FEET</u>
<u>FRONT YARD BUFFER WIDTH</u>	
20' Minimum	3 Canopy Tree(s) 3 Understory Trees 24 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
25' Minimum	4 Canopy Tree(s) 7 Understory Trees 30 Shrubs (75% of which must be evergreens) 0 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
20' minimum	2 Canopy Tree(s) 5 Understory Trees 20 Shrubs 0 Evergreen Trees
<u>STRUCTURE REQUIRED IN REAR YARD</u>	A six foot high stockade fence, providing a minimum opacity of 95%, or a six foot high masonry wall.
<u>BERM REQUIRED ADJACENT TO AN ARTERIAL ROAD</u>	An earthen berm with a minimum height of four feet with a slope not to exceed 3:1 planted with turf or ground cover material.

(4) Type 4

	<u>REQUIRED PLANT UNITS PER 100 LINEAL FEET</u>
<u>FRONT YARD BUFFER WIDTH</u>	
20' Minimum	4 Canopy Tree(s) 3 Understory Trees 20 Shrubs 0 Evergreen Trees
<u>REAR YARD BUFFER WIDTH</u>	
30' Minimum	4 Canopy Tree(s) 7 Understory Trees 15 Shrubs 10 Evergreen Trees
<u>SIDE YARD BUFFER WIDTH</u>	
20' minimum	2 Canopy Tree(s) 3 Understory Trees 25 Shrubs 6 Evergreen Trees
<u>STRUCTURE REQUIRED IN REAR AND SIDE YARD</u>	* A six foot high masonry wall (poured concrete, cement block, brick, etc.) providing a minimum opacity of 95%, or a stockade fence.

* Note structures are required only where a use abuts a use of a lower intensity as defined on the Buffer Yard and Screening

3
4

~~Matrix. Structures are not required between uses of equal intensity.~~

(1) **Buffer Yard Type 5.**

(a) BUFFER YARD WIDTH: 100' Minimum

(b) REQUIRED PLANT UNITS PER 100 LINEAR FEET:

4 Canopy Trees
2 Understory Trees
50 Shrubs
2 Evergreen Trees

(See Section ~~45~~-141~~54~~(C)(5) below for permitted plants)

(c) PLANTING SIZE: Notwithstanding the plant sizes specified in Section 5-1403(A)(2), the plants for the Type 5 Buffer Yard shall be the following minimum sizes at the time of planting:

Canopy trees: 2.5 inch dbh caliper
Understory trees: 8 foot height
Evergreen trees: 8 foot height
Shrubs: 30 inch height

(d) PLANT LOCATION. The plants required in Section 5-1414(B)(5)(b) above shall be installed on the parcel as follows:

(i) The plants shall be located within the first fifty feet of the required 100 foot Buffer Yard immediately adjacent to the right of way of Route 50.

(ii) Each 100 foot segment of frontage shall contain the plants required per 100 linear feet.

(iii) The plants shall be located in front of the linear element required in Section 5-1414(B)(5)(f) below.

(iv) The plants and the linear element shall be configured to align with the plants

and the linear element on adjacent parcels, thereby creating a uniformly landscaped frontage along the right-of-way, where feasible.

(e) **BOULEVARD PLANTINGS.** The first 50 feet of the required 100 foot wide Buffer Yard immediately adjacent to the right-of-way shall consist of boulevard plantings as specified in the Type 5 Buffer Yard Plant List in Section 5-1414(C)(5) below.

(f) **LINEAR ELEMENT.** A linear element of not less than 40% of a parcel's frontage shall be provided within the Buffer Yard and shall consist of a stone faced feature and may also include a fence and/or hedgerow.

(i) The stone faced feature (i.e. wall, pillar, sign, and the like) shall be faced with materials having characteristics similar to native stone. Notwithstanding the Section 5-200 height limitation for fences in front yards, the stone faced feature shall be a minimum of 3 feet in height. If combined with a fence or hedgerow, the stone faced feature shall have a minimum length equal to 10% of a parcel's frontage.

(ii) Notwithstanding the height limitation of Section 5-200 for fences in front yards, the fence shall be a maximum height of 4.5 feet, as measured from the ground to its highest point, to include posts or other supporting structures. The fence shall be constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design and shall have a minimum opacity of 50%.

(iii) The hedgerow shall consist of a minimum of 10 shrubs planted in a continuous row, planted 36 inches on center and at a minimum height of 30 inches. The shrubs shall be chosen from the Type 5 Buffer Yard Plant List in

Section 5-1414(C). The shrubs used in the hedgerow do not count towards fulfilling the required plant units in Section 5-1414(B)(5)(b) above.

(iv) The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements – only one element can be counted towards satisfying the required length.

(v) Areas of existing vegetation used to meet the Type 5 Buffer Yard plant requirements shall be excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.

(vi) The linear element does not have to be located parallel to the road, however, the required length is measured parallel to the road.

(vii) The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements in Section 5-1413(C).

(g) **USE OF TYPE 5 BUFFER YARD.** In addition to the uses specified in Section 5-1408, the following uses are permitted in the Type 5 Buffer Yard:

(i) Storm water management and BMP facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as a water feature in accordance with Section 5-1414(B)(5)(g)(ii) below.

(ii) A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall

1 and/or cascade; or a bioretention facility
2 and/or wetland. In the case where a
3 water feature is incorporated in the
4 design of the Type 5 Buffer Yard and
5 located within the first 50 feet
6 immediately adjacent to the right-of-
7 way, the following variations are
8 permitted:

- 9
10 | a. The number of shrubs required
11 by Section 5-1414(B)(5)(b)
12 above may be reduced by 50%
13 for the total amount of linear feet
14 of frontage that is occupied by
the water feature; and
- 15
16 | b. Notwithstanding Section 5-
17 1414(B)(5)(d) above, regarding
18 required plant locations, for the
19 frontage occupied by the water
20 feature, the required canopy trees
21 are to be located between the
22 right-of-way and the water
23 feature and the required
24 understory trees, evergreen trees
25 and shrubs may be located
26 around and behind the water
feature

- 27 (h) REDUCTION. Notwithstanding Section 5-
28 1409, the Buffer Yard width may be reduced to
29 50 feet subject to the approval of the Zoning
30 Administrator at the time of site plan or
31 preliminary subdivision application. An
32 application for Buffer Yard reduction shall
33 include a demonstration by the applicant that
34 adherence to the 100-foot Buffer Yard
35 requirement would unreasonably constrain
36 development due to topography or lot
37 dimensions. Moreover, evidence shall be
38 provided that all other methods available to
39 alleviate the constraint have been exhausted.
40 The request shall include a plan depicting the
41 Buffer Yard reduction and the quantity, type and
42 location of the plants units required in Section
43 5-1414(B)(5)(b) above and the linear element
44 required in Section 5-1414(B)(5)(f) above.

DIVISION E: Performance Standards

Section 5-1500 Performance Standards.

5-1501 Purpose. It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special exception from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area. It is also the intent of these regulations to prevent the disturbance of land on steep slopes in a manner that creates erosion, slippage, slope failure, or other conditions that adversely impacts the environment.

5-1502 Zoning Districts Regulated. All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this Division.

5-1503 Applicability.

(A) **Existing Uses.** All uses shall comply with the performance standards set forth in this Ordinance. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Division, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

(B) **Agricultural Uses.** The standards contained in this Division shall not apply to any lawful agricultural operation.

5-1504 Light And Glare Standards.

(A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles, lighting at publicly owned facilities utilized for athletic competition, and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR

districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel. Publicly owned facilities utilized for athletic competition as exempted above shall use cut-off and fully shielded lighting fixtures that 1) are aimed downward and inward toward the athletic field or interior of the property and 2) are shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties. Publicly owned athletic competition facilities must not cause illumination in excess of ten foot candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.

(B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination

(C) **Special Exception Review for Lighting that does not Comply with Standards.** Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate.

5-1505 Earthborn Vibration Standards.

(A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

(B) **Method of Measurement.**

(1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

(2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

(3) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete

soils, earth movement, and other geologic and hydrologic hazards;

- (2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- (3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
- (4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and
- (5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(B) Applicability and Exemptions.

(1) Applicability.

- (a) **General Rule.** Except as exempted in (2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slopes as those terms are defined in Section 5-1508(C)(1) below.
- (b) **Steep Slopes in the MDOD—Conflicting Provisions.** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C)(1) below, that are located within the Mountain Development Overlay District and subject to the standards in the MDOD, Section 4-1600. However, to the extent that the standards in this Section 5-1508 conflict with provisions in the MDOD (Section 4-1600), the standard that affords the steep slopes the greater level of protection shall apply.

(2) Exemptions.

- (a) **Single Family Dwelling on Existing Legal Lot.** ~~A legal lot of record, intended for single-family development, may be developed for a single family detached dwelling use.~~ Construction of a single residential use on a legal lot existing as of June 16th, 1993, is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all ~~other applicable~~ standards in ~~this~~ Sections 5-1508(E) and 5-1508(F).

1 reconstruction, and investigative land disturbing
2 activities such as test wells, are prohibited on any very
3 steep slope area, except as allowed under subsection
4 (c) below.

5 (c) **Permitted Uses and Activities.** The following uses
6 are permitted on very steep slope areas, subject to the
7 applicable development standards in Section (E)
8 below:

9 (i) Passive recreation uses, including trails for
10 non-motorized use only;

11 (ii) Open space, and other conservation uses;

12 (iii) Limited land-disturbing activity not to exceed
13 5,000 square feet in the aggregate on any
14 property for the sole purpose of surveying and
15 land investigation. No heavy equipment shall
16 be used to conduct or undertake such limited
17 land-disturbing activity; and

18 (iv) Minor utilities, roads and driveways, subject to
19 standards in the Facilities Standards Manual
20 and in subsection (E)(4), below.

21 (v) Municipal drinking water supply reservoir
22 subject to obtaining an approved "Location
23 Clearance Permit" from the Zoning
24 Administrator or his/her designee, accompanied
25 by as much information as the Zoning
26 Administrator deems pertinent and such
27 additional information as the Zoning
28 Administrator may require to approve such
29 "Location Clearance Permit."

30 (vi) Sanitary Sewer lines, pursuant to Section 5-
31 1508(E)(7) below.

32 (vii) Water lines located within or directly adjacent
33 to the right-of-way of existing or approved
34 roads, pursuant to Section 5-1508(E)(8) below.

35 (2) **Moderately Steep Slope Areas.**

36 (a) **Applicability.** This subsection (D)(2) applies to lands
37 with moderately steep slope areas, as defined in
38 subsection (C)(1)(b), above.

- 1 (f) The centerline grade of private roads and driveways
2 shall comply with applicable standards stated in the
3 Loudoun County Facilities Standards Manual.
- 4 (g) Storm drainage and culvert design shall conform to the
5 requirements of the Loudoun County Facilities
6 Standards Manual.

7 (5) **Revegetation Required.** Any slope exposed or created in
8 new development on steep slope areas shall be revegetated or
9 landscaped, except that Section 5-1300 shall not apply to
10 agricultural uses.

11 (6) **Stormwater Best Management Practices.** The applicant
12 shall incorporate stormwater management best management
13 practices and erosion and sediment control practices, as
14 required by Chapter 5 of the Facilities Standards Manual and
15 such practices shall be approved by the Department of
16 Building and Development prior to issuance of a zoning
17 permit.

18 (7) Sanitary Sewer Line Standards.

19 (a) Where directional drilling can be utilized to install
20 sanitary sewer lines across very steep slope areas and
21 the drilling start and end locations do not result in land
22 disturbance to very steep slopes, the crossing by means
23 of directional drilling is permitted and the development
24 standards in this section do not apply.

25 (b) While determining the alignment of gravity sanitary
26 sewer lines, every effort must first be made to avoid
27 impacts to very steep slopes.

28 (c) For the purpose of these development standards, the
29 steep slope designations are based on the Loudoun
30 County Steep Slopes Map.

31 (d) Sanitary sewer lines may not cross more than 200 feet
32 of any one contiguous very steep slope area. This
33 maximum distance may be increased by the Zoning
34 Administrator, up to an additional 300 feet, provided
35 the longer crossing distance is found to minimize
36 impacts to other environmentally sensitive areas
37 (streams, wetlands, riparian buffers, etc.), as
38 demonstrated by applicable information and/or
39 reports/studies requested by the Zoning Administrator,
40 including, but not limited to: 1) geotechnical study, 2)
41 geophysical study, 3) preliminary soils review, 4) U.S.

1 Army Corps approved wetland delineation, 5) tree
2 cover inventory, 6) Phase 1 archeological study, and 7)
3 rare, threatened, and endangered species survey. If the
4 proposed crossing exceeds 200 feet and the Zoning
5 Administrator finds that the crossing does not
6 minimize impacts to other environmentally sensitive
7 areas or the proposed crossing exceeds a total of 500
8 feet, a special exception application is required in
9 accordance with Section 6-1300 of this Ordinance.

10 (e) If blasting is required for sanitary sewer line
11 installation, a blasting plan that describes measures
12 that will be utilized to minimize impacts on
13 environmentally sensitive areas must be attached as
14 part of the grading plan.

15 (f) No sanitary sewer lines shall cross steep slopes greater
16 than 50 percent.

17 (g) Sanitary sewer lines shall be aligned in a manner that
18 minimizes disturbance to very steep slopes with
19 existing tree cover. In situations where sanitary sewer
20 lines result in the clearing of vegetative cover other
21 than open grassland/pastureland, stabilization plans for
22 temporary construction easements must include
23 reforestation and tree preservation techniques to be
24 reviewed and approved by the County Urban Forester.

25 (h) Where very steep slopes cannot be avoided,
26 construction methods that minimize easement widths
27 and limits of disturbance shall be employed to the
28 greatest extent feasible.

29 (i) Prior to submission of grading plans to the County, the
30 public entity responsible for the maintenance and
31 operation of the proposed sanitary sewer line must
32 conduct a field visit and certify that the grading plan
33 minimizes impacts to very steep slope areas and shows
34 practical limits of construction.

35 (j) Limits of disturbance shall be a sufficient distance
36 from jurisdictional streams and wetlands so as to avoid
37 negative impacts on such streams and wetlands, except
38 as permitted by the U.S. Army Corps of Engineers and
39 Virginia Department of Environmental Quality.

40 (k) To minimize control failure associated with sliding
41 debris and the operation of machinery within a

1 confined area, two rows of super silt fence shall be
2 installed as a perimeter control on the downslope side
3 of the disturbed area. The inside row may be installed
4 without filter fabric. The minimum spacing between
5 the rows shall be 2-3 feet to allow for maintenance.

6 (l) At a minimum, stabilization of disturbed areas shall
7 consist of Treatment 1 as described in Standard and
8 Specification 3.36 (Soil Stabilization Blankets &
9 Matting) in the Virginia Erosion and Sediment Control
10 Handbook. In problem areas, as determined by the
11 County, Treatment 2 can be required.

12 **(8) Water Lines Standards.**

13 (a) Where directional drilling can be utilized to install
14 water lines across very steep slope areas and the
15 drilling start and end locations do not result in land
16 disturbance to very steep slopes, the crossing by means
17 of directional drilling is permitted and the development
18 standards in this section do not apply.

19 (b) Where water lines cannot be located within or directly
20 adjacent to the right-of-way of existing or approved
21 roads or directional drilling is not an option, a special
22 exception application is required in accordance with
23 Section 6-1300 of this Ordinance.

24 (F) **Development Standards - Moderately Steep Slopes.** No zoning
25 permit shall be issued for any use, structure or activity on any parcel
26 of land which includes within its boundaries moderately steep slopes
27 unless and until the following standards have been met:

- 28 (1) The applicant shall obtain a locational clearance from the
29 Department of Building and Development. The applicant
30 shall submit a map, plan, or plat showing the location and
31 extent of moderately steep slopes within the area to be
32 disturbed, as well as the location and extent of land disturbing
33 activities and mitigation measures including the proposed
34 building sites, paved areas, drainfields, well locations, and
35 other uses.
- 36 (2) The applicant shall obtain a grading permit in accord with the
37 Codified Ordinance for all land disturbing activities on all
38 slopes.
- 39 (3) The applicant shall incorporate storm water management Best
40 Management Practices and erosion and sedimentation control
41 practices as defined by the Facilities Standards Manual into

standards set forth in this article range from those which can be made by a reasonable person using normal senses and ~~no~~ without the need for any equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:

(1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

(1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time

- (A) To hear and decide appeals as provided in Section 6-1700 of this Ordinance.
- (B) To authorize upon application in specific cases variances from the terms of this Ordinance as provided in Section 6-1600 of this Ordinance.
- (C) To hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question and shall be guided by the provisions of Section 1-300 of this Ordinance. The BZA shall not have the power, however, to rezone property or to change the location of zoning district boundaries as established by this Ordinance.
- (D) To hear and approve special exceptions for errors in building location in accordance with Section 6-1612 of this Ordinance, including, but not limited to, structures erroneously erected within required yards, setbacks and open space.
- (E) To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
- (F) To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
- (G) To prescribe procedures for the conduct of public hearings that it is required to hold.
- (H) To hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, pursuant to Section 6-1613, where the total area of land-disturbing activity within the Very Steep Slope Area does not exceed 2,000 square feet, and where the encroaching structure is a structure or use listed in Section 5-101(A) and is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area, as defined in Section 5-1508(C)(1)(a).

6-207

Records. The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote, such fact. All such records shall be filed in the office of the Zoning Administrator.

Submission Requirements.

(A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

(B) **Rezoning Plat.** If the application is a reclassification to a non-planned development district, a rezoning plat shall be required.

Speakers at Public Hearings. All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the

1 person presiding over the hearing, witnesses or speakers may be
2 required to give oath or affirmation regarding the truth of their
3 statements.

4 **6-405**

Inactive Applications. Any Zoning Map Amendment application,
5 Zoning Modification application, or Concept Plan Amendment
6 application officially accepted by the County for processing but which
7 has had processing suspended either by request of the applicant or by
8 having no contact or activity occur in regards to the application by the
9 applicant for a period of twelve months or any Special Exception
10 application officially accepted by the County for processing but which
11 has had such processing suspended either by request of the applicant
12 or by having no contact or activity occur in regards to the application
13 by the applicant for a period of six months shall be deemed inactive.

14
15 An application may remain inactive for up to three (3) years at the end
16 of which period it will be processed to a final decision. If an applicant
17 wishes to reactivate their application prior to the end of this three (3)
18 year period, they must notify the County in writing of their intent to
19 proceed with their application, grant the County an appropriate
20 timeline extension and pay a reactivation fee as established by the
21 Board of Supervisors.

22 **6-406**

Full Disclosure of Development Plans. Prior to the execution of an
23 offer to buy a new home, sellers of new homes, or their agents, shall
24 provide to home buyers access to current copies of the following:

- 25 (A) Approved or proposed subdivision record plat;
- 26 (B) All development plans approved for the property as part of a
27 Zoning Map Amendment, Zoning Concept Plan Amendment,
28 Zoning Ordinance Modification, or Special Exception;
- 29 (C) All proffered conditions accepted by the Board of Supervisors
30 as part of the zoning approval for the development; and
- 31 (D) The applicable Comprehensive Plan for the area of the County-
32 including a copy of the portion of the adopted Countywide
33 Transportation Plan (CTP) map showing future road
34 improvements planned in the vicinity of the new home.

35 Such documents shall be located on the site of the property
36 encompassed by the subdivision, plat, or development in which the
37 property for sale is located, ~~or at an office in its immediate vicinity.~~
38 The sellers of the new home, or their agents, shall notify the
39 prospective home buyers of the location of these documents and
40 provide a reasonable opportunity for such prospective buyers to

Division C: Required Development Approvals

Section 6-700

Site Plan Review.

6-701

Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, including all but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category, ~~but not including that do not involve access by the public as a part of such use.~~ ~~basic a~~ Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

1 **6-1612**

2 **Special Exceptions for Errors in Building Location.** As provided in Section
3 6-206(D) of this Ordinance, the BZA may hear and approve special exceptions
4 for errors in building location, to include encroachments into minimum yard
5 requirements, setbacks and other requirements herein regulating building
6 location, in the case of any building existing or partially constructed which does
7 not comply with such requirements applicable at the time such building was
 erected.

8 (A) The special exception may be approved if the BZA finds that:

- 9 (1) The noncompliance was done in good faith, or through no fault of
10 the property owner, or was the result of an error in location of the
11 building subsequent to the issuance of a building permit, if such
12 was required; and
- 13 (2) Such reduction will not impair the purpose and intent of this
14 Ordinance; and
- 15 (3) It will not be detrimental to the use and enjoyment of the other
16 property in the immediate vicinity; and
- 17 (4) It will not create an unsafe condition with respect to both other
18 property and public streets, and
- 19 (5) To force compliance with the minimum yard requirements would
20 cause unreasonable hardship upon the owner, and
- 21 (6) The reduction will not result in an increase in density or floor
22 area ratio from that permitted by the applicable zoning district
23 regulations.

24 (B) In approving such a reduction under the provision of this Section, the
25 BZA shall allow only a reduction necessary to provide reasonable relief
26 and, as deemed advisable, may prescribe such conditions, to include
27 landscaping and screening measures to assure compliance with the intent
28 of this Ordinance.

29 (C) Upon the approval of a reduction for a particular building in accordance
30 with the provisions of this Section, the same shall be deemed to be a
31 lawful building.

32 (D) The BZA shall have no power to waive or modify the standards
33 necessary for approval as specified in this Section.

34 **6-1613**

35 **Special Exceptions for Errors in Very Steep Slope Areas.** As provided in
36 Section 6-206(H) of this Ordinance, the BZA may hear and approve special
37 exceptions for Errors in structure location within Very Steep Slope Areas, when
38 such error is an encroachment that does not exceed 2,000 square feet of land-
 disturbing activity within the Very Steep Slope Area, as defined in Section 5-

1 1508(C)(1)(a), and is associated with a structure or use listed in Section 5-
2 101(A) that is attached to a principal residential structure, and no portion of the
3 principal structure is located within the Very Steep Slope Area.

4 (A) The special exception may be approved if the BZA finds that:

5 (1) Activities associated with the removal of the attached building,
6 structure, or use would result in a net negative environmental
7 impact, as demonstrated by applicable information and/or
8 reports/studies requested by the Zoning Administrator, such as, but
9 not limited to: 1) geotechnical study, 2) geophysical study, 3)
10 preliminary soils review, 4) site plan, 5) grading plan, 6) structural
11 analysis, 7) U.S. Army Corps of Engineers approved wetland
12 delineation, 8) tree cover inventory, 9) Phase 1 archeological study,
13 10) rare, threatened, and endangered species survey, and 11)
14 mitigation plan; and

15 (2) The noncompliance was done in good faith, or through no fault of
16 the property owner, or was the result of a good faith error in
17 location subsequent to the issuance of a building permit, if such
18 was required; and

19 (3) The noncomplying structure was constructed in a manner that will
20 protect life and property from hazards due to slope, unstable and
21 erodible soils, earth movement, and other geologic and hydrologic
22 hazards; and

23 (4) The noncomplying structure was constructed in a manner that does
24 not increase the potential for increased erosion, sedimentation, and
25 surface runoff, and the resulting adverse impacts on water quality;
26 and

27 (5) The noncomplying structure was constructed in a manner that
28 preserves the visual quality of steep slope areas; and

29 (6) The noncomplying structure will not be detrimental to the use and
30 enjoyment of other property in the immediate vicinity.

31 (B) In approving such encroachment under the provision of this Section, the
32 BZA may prescribe conditions to assure compliance with the intent of this
33 Ordinance, such as, but not limited to: 1) reforestation, 2) stabilization
34 treatment, 3) landscaping and screening measures, and 4) water quality
35 measures.

36 (C) Upon the approval of a special exception pursuant to this section for a
37 particular structure or use attached to a principal residential structure in
38 accordance with the provisions of this Section, the same shall be deemed to
39 be lawful.

1
2

(D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

Section 6-1700

Appeals.

6-1701

Appeals from Administrative Ruling. The Board of Zoning Appeals is authorized to hear appeals from any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance. In this capacity the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation.

6-1702

When Appeals May Be Taken. Appeals to the BZA may be taken by any person aggrieved or by ~~an~~ any officer, department, board or agency of the County ~~or~~ affected by a any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Appeals shall be taken within thirty (30) days after the decision has been rendered by filing with the Zoning Administrator from whom the appeal is taken and with the chairman of the BZA a notice of appeal specifying the grounds of the appeal, to include the materials set forth in Section 6-1707 below. The Zoning Administrator shall forthwith forward to the chairman of the BZA all the papers constituting the record upon which the action appealed from was taken.

6-1703

When Appeals to Stay Proceedings. A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the BZA or by a proper court order on notice to the Zoning Administrator and for good cause shown.

6-1704

Decisions on Appeal. Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Section 15.2-2204 of the Code of Virginia as well as due notice to the parties in interest, decide the appeal, and file with the Zoning Administrator its findings of fact and conclusions with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.

6-1705

Withdrawal of Application. An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an appeal may be withdrawn only with the permission of the BZA.

6-1706

Proceedings to Prevent Construction of a Building. Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as

ARTICLE 7
ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT
DEVELOPMENTS

Section 7-100 Affordable Dwelling Unit Developments.

7-101 Purpose. The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA). "Affordable Dwelling Units" shall be defined as those units for which the rental and/or sales price is regulated pursuant to the provisions contained in this Article, as adopted by the Board of Supervisors. All affordable dwelling units shall comply with the following provisions and the urban residential district regulations for Affordable Dwelling Unit Developments contained in Sections 7-200 through 7-1100 of this Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.

7-102 Applicability.

(A) The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per ~~gross-acre~~ forty thousand (40,000) square feet.

(1) For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.

(2) Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.

1 date of this Ordinance which deal exclusively with issues of
2 building relocation, site access, stormwater drainage, or other
3 engineering or public facility issues, or the preservation of
4 historic structures, wetlands, child care facilities, or changes in
5 the size of units, a reduction in the number of units, or which
6 request the addition of a non-residential special exception use.

7 (4) Properties subject to proffers accepted by the Board of
8 Supervisors, pursuant to Section 15.2-2303 of the Code of
9 Virginia, prior to June 16, 1993.

10 (5) Any request for a Concept Development Plan (CDP) Amendment
11 or zoning amendment which involves the rezoning of land within
12 a mixed use planned development district in order to redistribute
13 existing units to the newly zoned property within the same
14 development, but which does not result in an increase in the total
15 number of residential units.

16 (6) Any request for a rezoning plat amendment or zoning amendment
17 which involves the rezoning of land within a non-planned
18 development district in order to redistribute existing units to the
19 newly zoned property within the same development, but which
20 does not result in an increase in the total number of residential
21 units.

22 (7) Land zoned R-1, CR-1, TR-1, and JLMA-1

23 (E) At the applicant's discretion, the provisions of this Article and individual
24 district regulations for affordable dwelling unit developments may be
25 applied to developments which are exempt from these provisions, as
26 stated in Section 7-102(D). In the event that an applicant proposes to
27 provide affordable dwelling units in a development which is otherwise
28 exempt, the County shall waive any application fee associated with a
29 Concept Development Plan Amendment proposing to change the
30 Concept Development Plan only in order to provide affordable dwelling
31 units. County review of such applications shall not exceed 180 days.

32 **7-103 Affordable Dwelling Unit Density Adjustments.**

33 (A) **Single Family Detached and Single Family Attached Units.**

34 (1) For active rezoning applications that have not yet complied with
35 Section 6-1204(D)(1) of this Ordinance as of December 16, 2003,
36 and for rezoning, special exception, site plan and preliminary
37 subdivision applications officially accepted after December 16,
38 2003 which request approval of single family detached dwelling
39 units or single family attached dwelling units, the proposed
40 density shall reflect an increase of twenty percent (20%),
41 including the required number of affordable dwelling units,

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet, minimum; 0 feet for interior units.

(c) **Rear.** 1615 feet minimum, no requirement along common walls.

(3) Multi-family structures.

(a) **Front.** 20 feet minimum.

(b) **Side.** 10 feet minimum; 20 feet on corner lots.

(c) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single Family Detached: 50% maximum.

(2) Multifamily: 60% maximum.

(3) Single Family Attached: 75% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

(F) **Other Regulations.**

(1) **Location.** Multi-family units shall be located so as to minimize their impact on single family detached developments located adjacent to the ADU development.

(2) **Frontage.** Units shall front on a public road, unless the development has received approval for private roads.

Section 7-900

R-16 Townhouse/Multi-family District.

7-901

Purpose. These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre.

7-902

Permitted Uses. Affordable dwelling unit developments may consist of single family attached, quadruplex, townhouse, or multi-family units, either in a suburban or traditionally designed subdivision.

7-903

Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-16 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family attached townhouse units.
14 feet minimum for interior units;
22 feet minimum for end units.

(2) Single family attached quadruplex units. 28 feet minimum.

(3) Multi-family structures. 60 feet minimum.

(C) **Yards.**

(1) Single family attached.

(a) **Front.** 15 feet minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet. ~~minimum; 0 for interior units.~~

(c) **Rear.** 1525 feet minimum, no requirement along common walls.

(2) Multi-family structures.

(a) **Front.** 25 feet minimum.

(b) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(c) **Rear.** 25 feet minimum.

(3) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Multifamily: 60% maximum.

(2) Single Family Attached: 75% maximum.

(E) **Active Recreation Open Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

1
2 **Agritainment:** Events and activities such as corn mazes, hay rides and petting zoos, that allow for
3 recreation, entertainment and tourism in conjunction with agriculture support and services directly
4 associated with on-going agricultural activity on-site.
5

6 **Airport/landing strip:** Any area designed and used for the takeoff and landing of small private
7 aircraft, having no more than one air strip.
8

9 **Airport:** (Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or
10 land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.
11

12 **Alley:** A right-of-way which provides secondary and/or service access for vehicles to the side or rear of
13 abutting properties whose principal frontage is on another street.
14

15 **All-terrain vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational**
16 **use on various types of terrain.**
17

18 **Amend or Amendment:** Any repeal, modification, or addition to a regulation; any new regulation; any
19 change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part
20 thereof, or addition thereto.
21

22 **Amusement or Theme Park:** A facility, indoor or outdoor, designed for entertainment purposes which
23 may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of
24 sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and
25 other commercial uses commonly established in such facilities and related parking structures shall be
26 allowed as accessory appurtenances.
27

28 **Animal care business:** An enterprise that provides care and services for livestock or other farm
29 animals, such as animal grooming or training, but which is not a kennel, a veterinary service, or an
30 animal hospital.
31

32 **Animal Hospital:** A place for the medical care of animals; a veterinary hospital. The boarding of
33 animals at an animal hospital is limited to that incidental to the hospital use.
34

35 **Animal Husbandry:** The active and on-going propagation, rearing, exercising, feeding, milking,
36 housing, controlling, handling, or general care of living animals, including the raising and production
37 of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and
38 similar animal husbandry uses.

39 **Animal Services:** Animal service uses related to the provision of medical services and treatment to
40 animals, including veterinary services, animal hospitals and the boarding of animals related to the
41 provision of these services.
42

43 **Antique shop:** An establishment that sells items such as furniture, household wares and decorations,
44 and related articles, which have value and significance because of factors such as age, rarity, historical
45 significance, design, and sentiment.
46

operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm Co-op"). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Channel Scarline: The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Child Care Center: A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child Care Home: A single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than four (4), but not more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.

Church, synagogue, temple or mosque: A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Accessory uses may include religious instruction classrooms, parking, day care facilities, caretaker's quarters, and cemeteries.

Civic, Social, or Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

Civic Uses: Such as government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be

written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing Facility: A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Conservancy Lot. A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: Touching, abutting, or adjoining at the border or immediately across the street.

Continuing Care Facility: This type of facility may consist of three (3) types of care, or any one or two types:

- a. **Congregate Living Facility:** a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. **Adult Assisted Living:** a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. **Nursing Home:** a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor Service Establishment: Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use. Such retail sales shall not exceed 10% (ten percent) of the gross floor area devoted to the Contractor Service Establishment Use. Outdoor storage of equipment, supplies, and construction trailers are permitted in a contractor service establishment, provided such are fully screened from public roads and adjacent lots where the uses thereon are not listed above.

Convenience Food Store: A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers, high traffic/trip generation, and having less than 5,000 square feet of retail area.

Convent: A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning.

1
2 **Dormitory, seasonal labor:** A structure located on the same property as an active agricultural,
3 horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal
4 basis who are not members of a family as defined in this Ordinance and who derive all or part of their
5 income during their occupancy from labor performed on the active agricultural, horticultural or animal
6 husbandry operation. ~~A seasonal labor dormitory shall not contain independent cooking facilities for~~
7 ~~unrelated occupants.~~

8
9 **Downstream Bedload Movement:** Downstream movement of silt, sand, coarse-grained gravels and
10 cobbles in a river or stream.

11
12 **Driveway:** A space or area specifically designated and reserved on a lot for the movement of vehicles
13 within a lot or from a lot to a street.

14
15 **Dustless Surface:** A surface with a minimum of either two applications of bituminous surface treatment,
16 concrete, bituminous concrete, or equivalent paving material approved by the County and to be
17 maintained in good condition at all times.

18
19 **Dwelling, Accessory:** A dwelling or apartment within or detached from the principal dwelling of not
20 more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not
21 more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which
22 is associated with and subordinate to the principal dwelling and which is located upon the same lot as
23 the principal dwelling.

24
25 **Dwelling, Ancillary:** A dwelling, the use of which is associated with and subordinate to the principal
26 dwelling and which is located on the same lot as the principal dwelling.

27
28 **Dwelling, Duplex:** One of two buildings, arranged or designed as dwellings, located on abutting walls
29 without openings and with each building having a separate lot with minimum dimensions required by
30 district regulations.

31
32 **Dwelling, Multi-Family:** A building containing five or more dwelling units not having a separate lot.

33
34 **Dwelling, Portable:** A modular unit built on a chassis, having wheels or designed to be transported on
35 wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be
36 used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

37
38 **Dwelling, Quadruplex:** One of four (4) buildings, arranged or designed as dwellings, located on abutting
39 walls without openings and with each building having a separate lot, with minimum dimensions required
40 by district regulations.

41
42 **Dwelling, Single-Family Attached:** A duplex, triplex, quadruplex, or townhouse dwelling unit.

43
44 **Dwelling, Single Family Detached:** A residential dwelling unit, other than a portable dwelling, designed
45 for and occupied by one family only and not structurally connected or attached to any other dwelling.

46
47 **Dwelling, Temporary:** A portable dwelling, but not necessarily attached to a permanent foundation.

Electric Generating Plant and Transmission Facility: A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation.

Enfront: To face or to be opposite across a street.

Equestrian Facility: A commercial facility for the keeping of horses, having more than 20 horses for boarding and three (3) or more active riding instructors.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

F

Facilities Standards Manual (FSM): The Facilities Standards Manual of Loudoun County.

Facility for lessons in dance, gymnastics, judo and sports training: A school primarily devoted to giving instructions in, musical, dramatic, artistic, terpsichorean, martial arts or similar sports or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm based tourism: Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

Farm co-op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm machinery repair: A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm machinery sales, rental and service: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-

five percent (25%) of the products sold must be aquacultural, horticultural or agricultural products produced within the County on-site.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or rescue station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

Floodplain, 100-year: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.

Floodplain Alteration: A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

Floodplain, Major: The floodplain created by flooding from a stream that drains greater than 640 acres.

Floodplain, Minor: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dumptrucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, ~~motoreyeles~~, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Section 5-400 for Home Occupation standards).

Homeowners' Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Home Service Establishment: Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

Horse trails or networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days.

1 **Hospital:** Any licensed and Commonwealth of Virginia accredited health care institution with an
2 organized medical and professional staff and with inpatient beds available around-the-clock whose
3 primary function is to provide inpatient medical, nursing, and other health-related services to patients for
4 both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly
5 emergency care.

6
7 **Hotel/Motel:** Any single building or group of dwelling units, combined or separated, containing 20 or
8 more guest rooms used for the purpose of housing transient guests, each unit of which is provided with its
9 own toilet, washroom and off-street parking facility, and which may include features such as conference
10 rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than
11 transient guests.

12
13 **Hours of Operation:** The time period during which an activity or enterprise is active, including any
14 times during which the activity is open to customers or other members of the public, employees are
15 present and working, deliveries are made, or equipment (other than utilities or ordinary indoor
16 appliances) is being actively operated on the site.

17
18 **Household Living:** Uses characterized by the residential occupancy of a dwelling unit by a
19 household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-
20 month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens,
21 personal storage structures, hobbies, and parking of occupants' vehicles.

22
23 **Hydrogeological Report:** A study of groundwater, its location and prevalence that is prepared according
24 to standards in the Facilities Standards Manual (FSM).

25 26 27 I

28 **Impervious Surface:** Any material such as paved parking areas, sidewalks, or trail surfaces, which
29 ~~reduces or~~ prevents absorption of storm water into previously undeveloped land in or through such surface
30 but shall not include permeable or "pervious" paving materials.

31
32 **Industrial, Scientific or Technical Exposition:** A place, structure, area or other facility used for
33 temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other
34 merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or
35 scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to
36 be industrial, scientific or technical expositions.

37
38 **Industrial Use:** Non-residential and non-commercial employment uses such as, but not limited to,
39 mining, milling and manufacturing.

40
41 **Infrastructure:** The basic installations and facilities on which new development depends. The public
42 infrastructure includes roads and water and sewer lines.

43
44 **Inner Core Subarea:** A Planned Development Transit Related Center district subarea that includes
45 the total gross land area located generally within a one-quarter (1/4) mile from the outer edge of the
46 planned rail station platform, as shown on the approved Concept Development Plan. The highest land-
47 use intensities will be located close to the planned transit stop. The primary focal point of the

development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses.

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

Interactive Science & Technology Center: A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.

J-K

Junk Yard: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.

Karst Feature Buffer: An area established from the outermost edge of Karst features where land disturbance is prohibited.

Karst Features: Karst landforms including but not limited to caves, sinkholes, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcareous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

Kennel: See Section 5-606.

Kennel, Indoor: See Section 5-606.

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation and any construction in preparation for development, reconstruction, or significant alteration of a structure.

1
2 **Landfill Water Service District:** A specific area designated for water service by central water supply
3 system, the boundaries of which are determined by the County of Loudoun ~~are~~ as shown on the
4 Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by
5 reference, and found on the following page.

6
7 **Landfill, Sanitary:** A publicly owned and controlled, engineered land burial facility for the collection,
8 source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste.
9 ~~Specifically, it Associated uses~~ may include ~~a sanitary landfill~~, a debris landfill, a transfer station,
10 Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall
11 mean a facility so located, designed and operated that it does not impose a present or potential hazard to
12 human health or the environment, including pollution of air, land, surface water or ground water.

13
14 **Landscape Architect:** An individual who is recognized by the State and who is registered with the state
15 department of professional and occupational registration as a "landscape architect".

16
17 **Landscaped Open Space:** An area which shall include appropriate grassing of the area, placement of
18 shrubbery and trees, walkways, and appropriate grading such as to render the required open space area
19 aesthetically pleasing.

20
21 **Land Subdivision and Development Ordinance (LSDO):** The Land Subdivision and Development
22 Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site
23 development plan standards and procedures for the unincorporated areas of Loudoun County.

24
25 **Limestone:** Geologic formation that is highly water-soluble and is characterized by numerous
26 underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply
27 source. Limestone consists of a conglomerate of various small rocks cemented together with a
28 carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to
29 concrete.

Loading Space, Semi-trailer: A loading space or dock with a minimum of 14 feet in width, and a minimum of 50 feet in length and a vertical clearance of 15 feet.

Loading Space, Single Unit: A loading space or dock with a minimum of 14 feet in width, and a minimum of 30 feet in length and a minimum vertical clearance of 15 feet.

LOD: Limestone Conglomerate Overlay District, as defined in Section 4-1900 of the Zoning Ordinance.

Lodging Unit: Living quarters for a family which do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one (1) week shall be considered lodging units even though they contain independent kitchen facilities.

Lot: A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 1-404(B)(3).

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement

1 **Manufacturing and Production:** Facilities for the processing, fabrication, packaging, or assembly of
2 goods, including small-scale production and production by hand. Accessory uses may include offices,
3 in some instances eating facilities for employees, outdoor storage associated with the use, repair
4 facilities, and caretaker's quarters.

5
6 **Market Area:** The area from which an enterprise draws its customers on a regular and anticipated basis.
7 Influencing the size of the area are variables such as, but not limited to, type of product being marketed,
8 surrounding land uses and neighboring road network.

9
10 **Market Study:** A study that measures the supply and demand for a particular product within a
11 defined area.

12
13 **Material Recovery Facility (MRF):** ~~An enclosed structure used for the processing of recyclable~~
14 ~~materials so as not to create a nuisance or pose a present or potential hazard to human health or the~~
15 ~~environment, A solid waste management facility which collects mixed solid wastes and manually or~~
16 ~~mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a~~
17 ~~permitted facility, or a solid waste management facility for the collection, recovery and processing of~~
18 ~~materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste,~~
19 including a solid waste transfer station.

20
21 **Mausoleum:** A building or vault containing niches or other designated places intended to be a final
22 resting place for human or pet animal remains as an alternative to land burial.

23
24 **Maximum Extent Feasible:** No feasible and prudent alternative exists, as determined by County
25 staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse
26 impacts have been undertaken by an applicant. Economic considerations may be taken into account
27 but shall not be the overriding factor in determining "maximum extent feasible."

28
29 **MDOD:** Mountainside Development Overlay District, as defined in Section 4-1600 of the Zoning
30 Ordinance.

31
32 **Medical Care Facility, Outpatient Only:** Any institution, place, building, or agency, whether or not
33 licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in
34 which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or
35 treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of
36 two or more non-related mentally or physically sick or injured persons: or for the care of two or more non-
37 related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic,
38 convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental
39 retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation
40 therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and
41 facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether
42 privately owned or operated by a local government unit (this term shall not include a physician's or
43 medical office).

44
45 **Metes and Bounds:** A method of describing the boundaries of land by courses and distances.

46
47 **Mill feed and farm supply center:** A commercial enterprise engaged in the provision of animal feed,
48 bedding and accessories and farm and garden supplies (such as seed, fencing, hardware, pesticides, and

fertilizer) to agricultural, horticultural, and/or animal husbandry operations, but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a "feed-and-seed" store.

Minimum Stream Buffer: A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Minor Utilities: Above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Ordinance, including but not limited to "telecommunication use and/or structures."

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Model home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling. ~~No dwelling may be used as a model for more than two years.~~

Moderately Steep Slope Area: Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A two-wheeled automotive vehicle for one or two people. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales, and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

Motor Vehicle Sales Limited to Racecars - Any business establishment intended for the sale of racecars.

Motor Vehicle Service and Repair, Heavy: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use; however, motor vehicle service establishments shall not be deemed to include heavy

residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Outdoor amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.

Outdoor Storage: The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Accessory: The holding or storage of merchandise, goods, equipment or materials ~~or other goods for sale~~ as an accessory use ~~to a retail or wholesale trade establishment~~, wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable equipment shall be deemed to be a motor vehicle storage and impoundment yard ~~and is prohibited herein.~~

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail,

1 **Recreation and Entertainment:** Uses that are generally commercial and provide indoor or outdoor
2 entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage,
3 parking, concessions, caretaker's quarters, and maintenance facilities.
4

5 **Recreation Establishment, Indoor:** An enclosed or semi-enclosed building, tent, or structure designed
6 to accommodate gatherings of human beings for games, athletics, cultural activities, martial arts, archery
7 or firearm shooting, ~~or~~ rides, and the like. Office, retail, and other commercial uses commonly established
8 in such facilities and related parking structures shall be allowed as accessory appurtenances. A
9 commercial recreation area may also include mechanical or electrical amusement devices, and may
10 include accessory uses such as refreshment stands, equipment sales or rentals.
11

12 **Recreation Establishment, Outdoor:** Any establishment operated as a commercial enterprise in which
13 seasonal facilities directly related to outdoor recreation are provided for all or any of the following:
14 camping, skating rink (indoor or outdoor), lodging, picnicking, boating, fishing, swimming, golf driving
15 ranges (as defined herein), outdoor games and sports, and the like, and activities incidental and related to
16 the foregoing. A commercial recreation area may also include miniature golf grounds, mechanical or
17 electrical amusement devices, and may include accessory uses such as refreshment stands, equipment
18 sales or rentals.
19

20 **Recreation Space, Active:** Flat, open, well-drained usable space configured in squares or greens. Active
21 recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and
22 other similar type play areas. Active recreation space may also be used for camping, picnicking, boating,
23 fishing, swimming, outdoor games and sports, equestrian activities, and the like, and activities incidental
24 and related to the foregoing, all on a non-commercial basis and to fulfill the requirements of the R-8, R-
25 16, and R-24 zoning districts.
26

27 **Recreational Vehicle Park:** An outdoor facility designed for overnight accommodation of human beings
28 in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation
29 purposes. Office, retail and other commercial uses commonly established in such facilities and related
30 parking structures shall be allowed as accessory appurtenances.
31

32 **Recreational Vehicle Unit:** A travel trailer, pick-up camper, motorhome, tent trailer, or similar device
33 used for temporary housing.
34

35 **Recyclable Materials:** Any material separated from the waste stream for utilization as a raw material in
36 the manufacture of another product. This includes both source-separated material and mechanically
37 separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass,
38 metals, plastic and corrugated cardboard.
39

40 **Recycling Drop-Off Center, Private:** A collection site operated by a non-governmental entity, a for-
41 profit company or a non-profit organization, for the acceptance by donation, redemption, or purchase of
42 recyclable materials from the public. Such centers may not exceed 3,000 square feet in area, may contain
43 permanent or semi-permanent buildings, or structures, but typically consist of portable containers which
44 can be emptied and readily moved.
45

46 **Recycling Drop-Off Center, Public:** A collection site operated by a governmental entity for the
47 acceptance by donation, redemption or purchase of recyclable materials from the public. Such centers
48 may not exceed 3,000 square feet in area. The 3,000 square foot area applies to the recycling containers

only. A center does not contain permanent structures, and typically consists of portable containers which can be emptied and readily moved.

Religious Assembly: Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.

Research and Development Use: Any use ~~involving a principal activity~~ related to the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation or production of products, new technologies, techniques, or processes. ~~The structure in which the use is located may be single-story or multi-story, in an individual, institutional, training facility or office setting.~~ Research and development functions would include repair, storage, sale, resale of materials, goods and products ~~incidental relating~~ to the ~~principal~~ research and development use.

Residential Use: Structures which are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling.

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only with seating capacity up to 1,000 square feet.

Road: Shall include the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Ordinance.

Road, Class I: Roads which were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain: Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A publicly owned and maintained street with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Major Arterial: A publicly owned and maintained road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least four lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A publicly owned and maintained street designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of four through lanes, although some existing minor arterials may have only two through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side streets. Route 9 is an example of a minor arterial road.

Road, Major Collector: A publicly owned and maintained road generally serving an intra-county and, in some situations, a inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes six lanes. However, existing rural major collectors may be as few as two lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Rural Retreat: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational amenities of a rural nature.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School (elementary, middle and high): An establishment which provides any kindergarten, primary, and/or secondary educational course, but not including an establishment primarily for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family residing in the household. Parking of school buses on-site shall be considered an accessory use to a school.

School, vocational: An establishment offering courses of training in a skill or trade.

Screening: Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this Ordinance. See "Buffering".

Setback: For the purposes of Section 5-600, use of the terms "setback" or "set back" means the building, structure, use, or activity shall be located the required distances from the point of reference (e.g. lot line, right-of-way or building, etc.). Required yards, ~~but not parking areas,~~ may be located in this setback area.

Setback: The minimum distance by which any building or structure must be separated from the ~~lot lines~~ point of reference (e.g. lot line, right-of-way or building, etc.).

Sewage Treatment Plant: A plant for the primary, secondary, tertiary treatment of sewage.

Sewer, Public: A central, communal or municipal wastewater treatment system serving more than two (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia, for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and/or owned by the LCSA, or operated by a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is designed to serve small-scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Shopping Center: Any group of two (2) or more commercial uses of a predominately retail nature which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of one (1) continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the two (2) year storm event.

- 1
2 b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar
3 vehicles requiring Department of Motor Vehicle tags and designed and primarily used to
4 transport people. Business vehicle may not have more than two axles.
5
6 c. Employees. Persons, other than members of the household permanently residing on the
7 premises, who are engaged onsite in the operation of the small business on a regular or
8 occasional basis.
9
10 d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid
11 loaders, and any other motorized or similar equipment which is primarily used to perform
12 heavy work activities, and not used to transport passengers, and which do not require or
13 use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross
14 vehicle weight; and passenger and tour buses, excluding school buses and 16-seat
15 commuter vans; and vans and large pick-up trucks modified for heavy work, all of which
16 are used for off-site income producing purposes.
17
18 Any heavy equipment used principally for agricultural uses onsite may be used offsite
19 for small business uses listed in Section 5-614(D). The term "heavy equipment"
20 includes all vehicles not classified as "business vehicles", as defined above, which are
21 associated with the small business. Additionally, trailers used for transporting heavy
22 equipment are considered accessory to the heavy equipment.
23
24 e. Storage yard. An outdoor space accessory to a permissible use, enclosed on all sides by
25 a solid fence, and used for the purpose of storing equipment, vehicles, construction
26 materials and similar items necessary to a permissible business.
27

28 **Soil Mapping Unit:** An area of similar kinds of soil materials on the same landform, as defined in the
29 Interpretive Guide to Soils Maps of Loudoun County, as amended.
30

31 **Solid Waste:** Any garbage, refuse, sludge, and other discarded materials, ~~including solid, liquid,~~
32 ~~semisolid, or contained gaseous material,~~ resulting from household, industrial, commercial, mining, and
33 agricultural operations, or community activities, but not including (i) solid or dissolved material in
34 domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which
35 are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-
36 product material as defined by the Federal Atomic Energy Act of 1954, as amended.
37

38 **Solid Waste Container:** A container that is specifically designed, constructed, and placed for use as a
39 depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers,
40 or other such containers specifically designated as waste receptacles.
41

42 **Solid Waste Incinerator:** A facility or device designed for the treatment of solid waste by
43 combustion.
44

45 **Solid Waste Management Facility (SWMF):** A site used for the planned treating, recycling, storing,
46 processing or disposing of solid waste and includes recycling facilities, vegetative waste management
47 facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and
48 solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units.

1 Further, "solid waste management facility" or "SWMF" means a facility so located, designed and
2 operated that it does not impose a present or potential hazard to human health or the environment,
3 including the pollution of air, land, surface water or ground water.
4

5 **Solid Waste Transfer Station:** A solid waste collection or storage facility at which solid waste is
6 transferred from collection vehicles to hauling vehicles for transportation to a central solid waste
7 management facility for disposal, incineration, or resource recovery.
8

9 **Solid Waste Vehicle:** Any vehicle or portion thereof used to collect, remove, transport, or dispose of
10 solid waste or recyclable material and includes any container or other appurtenance attached to, or
11 associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.
12

13 **Sound Level Meter:** Means an electronic instrument, which includes a microphone, an amplifier and an
14 output meter, which measures noises and sound pressure levels in a specified manner. It may be used with
15 the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.
16

17 **Special Event:** A temporary commercial or festive activity or promotion at a specific location that is
18 open to the public and is planned or reasonably expected to attract large assemblies of persons. Special
19 events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent
20 revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows,
21 firework displays and events, or similar events open to the public. In addition, a private party held at a
22 Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Bed and Breakfast, Country
23 Inn, Rural Retreat or Rural Resort or similar facility) shall not be deemed a special event. A private
24 party which is held at a location other than the foregoing or held on property other than property which
25 is occupied by the host, shall be deemed a special event. "Special event" does not include temporary
26 or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm
27 produce, fireworks, and other similar seasonal goods.
28

29 **Special Exception:** A use permitted in a zoning district, if listed in the district's regulations, only upon
30 showing that such use in a specified location will comply with all the conditions and standards specified in
31 the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.
32

33 **Sports Stadium, Complex, Arena or Sports Field:** A facility, indoor or outdoor, designed for
34 professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other
35 commercial uses commonly established in such facilities and related parking structures shall be allowed as
36 accessory appurtenances.
37

38 **Spring:** A place where the groundwater flows naturally from a rock or the soil onto the land surface or
39 into a body of surface water.
40

41 **Stable, Private:** A facility for the keeping of horses for the private use of the residents of the lot. Such
42 facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1)
43 instructor engaged for the purpose of educating and training students in equitation.
44

45 **Stable, Neighborhood:** A facility for the keeping of horses for the private use of the residents of the lot.
46 Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than (2)
47 two instructors engaged for the purpose of educating and training students in equitation.

1 **Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including
2 both directional antennas, such as panels and microwave dishes, and omni-directional antennas,
3 such as whips and satellite dishes, but not including satellite earth stations.
4

5 **Monopole:** A single, self-supporting pole-type structure, tapering from base to top and supporting
6 a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole
7 shall not be deemed to be a transmission tower.
8

9 **Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support
10 antennas. Also called a communication tower or radio tower.
11

12 **Temporary Mobile and Land Based Telecommunication Testing Facility:** Whip antennas,
13 panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for
14 wireless audiotransmission with low wattage not to exceed 500 watts, from a sender to one or
15 more receivers, such as for mobile cellular telephones and mobile radio system facilities.
16

17 **Temporary Retail:** A building or open area in which stands or sales areas are set aside and rented or
18 otherwise provided, and which are intended for use by various unrelated individuals to sell articles that
19 are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of
20 goods at retail by businesses or individuals who are generally engaged in retail trade.
21

22 **Tenant Dwelling:** A dwelling occupied by a person or persons other than the owner of the lot on
23 which it is located. ~~family that derives all or part of their income from labor performed on the farm.~~
24 Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an
25 accessory farm building.
26

27 **Testing Station:** Land and/or structures for the purpose of testing electromagnetic waves utilized for
28 radios, television, microwave, radar, and other means of communication. This use shall not include
29 testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human
30 health. (Added January 17, 1984.)
31

32 **Theater, Indoor:** A building designed and/or used primarily for the commercial exhibition of motion
33 pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.
34

35 **Town Center:** A compatible mixture of commercial, cultural, institutional, governmental, and residential
36 uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.
37

38 **Town Center Core:** The central part of the Town Center within which pedestrian oriented businesses
39 and other pedestrian activities are encouraged.
40

41 **Town Center Fringe:** The area surrounding the core within which pedestrian oriented businesses and
42 activities are balanced with residential and other uses more dependent on vehicular access.
43

44 **Town Green:** The primary public open space within a town center which contains a well defined green
45 space with landscaped areas.
46

47 **Training Facility:** A facility used for business, technical or professional training and/or certification,
48 which may be operated as a principal use or as an accessory use to a permitted or permissible use.

of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

Utility Transmission Line, Underground: A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of 150 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: a solid waste management facility that manages vegetative waste.

Vehicle Wholesale Auction: A business which sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Very Steep Slope Area: Land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Veterinary Service: An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. Crematory facilities shall not be allowed in such an establishment.

Village Green: The primary public open space located within the Rural Village Residential Area which primarily contains a well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. The Village Green shall be enfronted by a mix of uses, including storefront, civic and residential.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

1 **Visitor Accommodation:** Lodging where tenancy may be arranged for periods of less than 30 days.
2 Accessory uses may include parking, laundry, recreational uses, and food services.
3
4
5

6 W

6 **Warehousing Facility:** A building used primarily for the holding or storage of goods and merchandise.
7 For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and
8 distinct use.
9

10 **Waste-Related Uses:** Uses that collect sanitary wastes, or uses that manufacture or produce goods or
11 energy from the composting of organic materials or processing of organic or related waste materials, or
12 the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous
13 wastes from others or that process other than organic material or related waste materials. Accessory
14 uses may include offices and repackaging and transshipment of by-products.
15

16 **Water, public:** A central communal or municipal water supply system serving more than two (2) lots
17 owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public
18 water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of
19 furnishing potable water.
20

21 **Water Supply System, Central:** The water supply system for Eastern Loudoun County owned
22 and operated by the LCSA for which the source of water is purchased from the City of Fairfax and
23 County of Fairfax water supply system.
24

25 **Water Supply System, Communal:** A water supply system owned or operated by the LCSA or
26 a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is
27 designed to serve small-scale development, including clusters, where permitted by this Ordinance.
28 Such system may serve only one lot, where a communal system is required by this Ordinance for a
29 specific use.
30

31 **Water Supply System, Municipal:** A water supply system that is owned or operated by one of
32 the incorporated towns within Loudoun County: to provide public drinking water supplies,
33 including but not limited to, reservoirs, wells, dams, pump stations, water treatment plants,
34 water pump stations, transmission lines, access roads and related appurtenances.
35

36 **Water Storage Tank:** A tower or other facility for the storage of water for supply to a water system.
37

38 **Water supply system, individual:** A water supply system located on the lot served.
39

40 **Water Treatment Plant and Pumping Station:** A plant for the purification and pumping of potable
41 water.
42

43 **Wayside Stand:** Any structure or land used for the sale, by the owner or his family or tenant, of
44 agricultural or horticultural produce, livestock or merchandise principally produced on said farm, but may
45 include produce grown on other farms and accessory products], and which is clearly a secondary use of
46 the premises and does not change the character thereof.
47

1 **Yard:** Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance,
2 from the ground to the sky.

3
4 **Yard, Front:** An open space on the same lot as a principal building between the front line of the
5 principal building and the road, street, or private access easement and extending across the full width of
6 the lot.

7
8 **Yard, Rear:** An open space on the same lot as a principal building between the rear line of the principal
9 building and the road, street, or private access easement and extending across the full width of the lot.

10
11 **Yard, Required:** A yard, as defined above, located along the perimeter of a lot, the dimensions of which
12 are set by the District Regulations of this Ordinance.

13
14 **Yard, Side:** An open space on the same lot as a principal building between the side line of the principal
15 building and the road, street, or private access easement and extending from the front yard line to the rear
16 yard line.

17
18 **Yard Waste:** The decomposable waste materials generated by yard and lawn care and includes leaves,
19 grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or
20 stumps that exceed six (6) inches in diameter.

21
22 **Yard Waste Compost:** A stabilized organic product produced from yard waste by a controlled aerobic
23 decomposition process in such a manner that the product can be handled, stored or applied to the land so
24 that it does not pose a present or potential hazard to human health or environment.

25
26 **Yard Waste Composting Facility:** ~~An approved type of A~~ Solid Waste Management Facility ~~which,~~
27 ~~through a controlled aerobic decomposition process, which is so located, designed, constructed and~~
28 ~~operated for the composting of the fraction portion~~ of household waste that consists of grass clippings,
29 leaves, brush, ~~and or~~ tree trimmings arising from general household yard maintenance, is composted to a
30 stabilized organic product so that it does not pose a present or potential hazard to human health or the
31 environment.

32
33 **Zoning Administrator:** An appointed County official who serves as the Zoning Administrator, charged
34 with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia,
35 or his/her designee.

36
37 **Zoning Permit:** A document signed by the Zoning Administrator as a condition precedent to the
38 commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or
39 installation of a structure or building, which acknowledges that such use, structure or building complies
40 with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

41
42 **Zoning District:** The various classification of agricultural, residential, commercial and industrial zoning
43 categories provided for in this Ordinance and the areas on the zoning map in which such different districts
44 are mapped. As used in this Ordinance, the term "zoning district" can refer either to the zoning category,
45 i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.